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PART I

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Department of Defense Appropriation Act, 1975
(Oct. 8, 1974; 88 Stat. 1212)

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Title 3—The President

PROCLAMATION 4326

Country Music Month, October 1974

By the President of the United States of America

A Proclamation

From the farms and mines and ranches of America has come a uniquely American art form—the sound which has become known as country music. Once heard only in certain regions of this Nation, the country sound now can be heard from Manhattan's skyscrapers to the beaches of Malibu. The growth of affection for country music in recent years is a heartening sign of the new interest that Americans take in things uniquely American.

A measure of that growth is that there are now more than one thousand radio stations in the United States that play country music exclusively and half of all the radio stations in America play country part of the time. Each day of the year, about twenty-five thousand hours of country music is beamed out into America. Truly, country music has come into its own.

It is a music which can be happy or sad, fast or slow, but it is always about life. The words of country music songs talk about life the way it is really lived. Country music is life with a melody.

NOW, THEREFORE, I GERALD R. FORD, President of the United States of America, ask the people of this Nation to mark the month of October 1974, with suitable observances as Country Music Month.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of October, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.74-24258 Filed 10-15-74;9:29 am]

PROCLAMATION 4327

National Legal Secretaries' Court Observance Week, 1974

By the President of the United States of America

A Proclamation

Our vast and complex system of justice cannot function without the skill and dedication of our Nation's legal secretaries. Without these unsung heroines of the legal process, the wheels of justice would grind to a permanent halt. They deserve the praise, gratitude and respect not only of their employers but of the system which they serve so well. One way in which their employers can demonstrate their appreciation for jobs well done is by giving their legal secretaries greater opportunities to observe courtroom proceedings—to see more of the system in action.

To pay tribute to this fine group of Americans, and to encourage their exposure to courtroom proceedings, the Congress by House Joint Resolution 898 of the Ninety-third Congress, has requested the President to proclaim the second full week in October, 1974, as National Legal Secretaries' Court Observance Week.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning October 14, 1974, as National Legal Secretaries' Court Observance Week. I call upon the people of the United States to observe that week with appropriate ceremonies and activities. Furthermore, I call upon the legal community, throughout that week and during the ensuing year, to enhance their legal secretaries' understanding of their role in the administration of justice in this Nation by affording them more opportunities to observe actual courtroom proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of October, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.74-24259 Filed 10-15-74; 9:30 am]

EXECUTIVE ORDER 11814

Activation of the Energy Resources Council

In my address to the Congress on October 8, 1974, I expressed my intention to create a new National Energy Board, under the chairmanship of the Secretary of the Interior, to develop, coordinate, and assure the implementation of Federal energy policy. Subsequent to my delivery of that address, the Congress completed action on the Energy Reorganization Act of 1974 which I have just approved into law. Section 108 of that act creates in the Executive Office of the President a new Energy Resources Council which would be charged with performing functions that are essentially the same as those I had intended to assign to the National Energy Board. Consequently, I have determined that it would serve no useful purpose to create that Board. Instead, I am now exercising the authority vested in me by section 108 of the Energy Reorganization Act of 1974, to activate immediately the Energy Resources Council, to designate the Secretary of the Interior as its Chairman, and to designate additional officials as members thereof.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States of America by the Constitution and laws of the United States, particularly section 108 of the Energy Reorganization Act of 1974, and section 301 of title 3 of the United States Code, it is hereby ordered as follows:

Section 1. Section 108 of the Energy Reorganization Act of 1974 shall be effective as of the date of this order and the Energy Resources Council shall be deemed to have been activated as of that date.

Sec. 2. The Council shall consist of the Secretary of the Interior, who shall be its Chairman, the Assistant to the President for Economic Affairs, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of Commerce, the Secretary of Transportation, the Chairman of the Atomic Energy Commission, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Administrator of the Federal Energy Administration, the Administrator of the Energy Research and Development Administration (upon entry into office), the Administrator of the Environmental Protection Agency, the Chairman of the Council on Environmental Quality, the Director of the National Science Foundation, the Executive Director of the Domestic Council, and such other members as the President may, from time to time, designate.

Sec. 3. The Energy Resources Council shall perform such functions as are assigned to it by section 108 of the Energy Reorganization Act of 1974, shall develop a single national energy policy and program, and shall perform such other functions as may be assigned to it, from time to time, by the President.

Sec. 4. All departments and agencies shall cooperate with the Council and shall, to the extent permitted by law, provide it with such assistance and information as the Chairman of the Council may request.

Sec. 5. The Committee on Energy, the establishment of which was announced on June 14, 1974, is hereby abolished.

Sec. 6. The Council shall terminate in accordance with the provisions of section 108 of the Energy Reorganization Act of 1974.

Gerald R. Ford

THE WHITE HOUSE,
October 11, 1974.

[FR Doc.74-24257 Filed 10-15-74;9:28 am]

rules and regulations

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE, DEPARTMENT OF AGRICULTURE

PART 29—TOBACCO INSPECTION

Termination of Designation of Tobacco Auction Market

The tobacco auction market at Athens, Tennessee, has not operated for three consecutive seasons. Therefore, pursuant to the provisions of the regulations under § 29.37, 7 CFR, Part 29, 38 FR 27599, October 5, 1973, the designation of the Athens, Tennessee, market for free and mandatory inspection of tobacco sold at auction is automatically terminated.

Said § 29.37 states in part:

* * * A designation shall terminate automatically at the end of any two consecutive marketing seasons during which a designated market does not conduct any sales of tobacco at auction. A market whose designation is terminated under this section shall be considered as a new market, as defined in § 29.1, and any future application for services shall be filed and determined in accordance with the provisions of §§ 29.3 and 29.2 * * *

Done at Washington, D.C., this 9th day of October 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-23999 Filed 10-15-74;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

Agricultural quarantine inspectors of the U.S. Department of Agriculture are charged with performing inspection duties relating to imports and exports at border ports, seaports, and airports. Such services may be performed outside the regular tour of duty of the inspector when requested by a person, firm, or corporation and the charge for such overtime is recoverable from those requesting the services. The following document, amends § 354.1, Overtime Work at Border Ports, Seaports, and Airports, by increasing the hourly rates for such services performed on a Sunday or holiday, or at any other time outside the regular tour of duty. These increases are commensurate with salary increases provided Federal employees in accordance with the Federal Pay Comparability Act of 1970 (P.L. 91-656), and Executive Order 11811 dated October 7, 1974.

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 354.1 of Part 354, Title 7, Code of Federal Regulations, the first sentence of § 354.1(a) is revised as set forth below:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody, or control of plants, plant products, animals, animal products, or other commodities or articles subject to inspection, laboratory testing, certification, or quarantine under this chapter and Subchapter D of Chapter I, Title 9 CFR, who requires the services of an employee of the Plant Protection and Quarantine Programs, on a Sunday or holiday, or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of Sunday or holiday or overtime service request the Plant Protection and Quarantine Programs inspector in charge to furnish inspection, laboratory testing, certification, or quarantine service during such overtime, or Sunday or holiday period, and shall pay the Government therefor at the rate of $17.96 per man-hour per employee on a Sunday and at the rate of $12.12 per man-hour per employee for holiday or any other period; except that for any services performed on a Sunday or holiday, or at any time after 5 p.m. or before 8 a.m. on a weekday, in connection with the arrival in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. * * *

* * * * * *

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. The foregoing amendment shall become effective October 13, 1974.

Determination of the hourly rate for overtime services and of the commuted traveltime allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of October 1974.

LEO G. K. IVERSON,
Deputy Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74-24225 Filed 10-15-74;8:45 am]

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amdt. No. 58]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

SUGAR BEETS (APPLICABLE IN ALL STATES EXCEPT CALIFORNIA)

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1975 crop year in the following respects:

1. Subsection 2(b) of the Sugar Beet Endorsement (applicable in all States except California) shown in § 401.140 of this chapter is amended to read as follows:

(b) The per acre production guarantees shall be the applicable percentages shown on the county actuarial table of the normal yield (Commercially recoverable sugar) established for the acreage for the crop year in accordance with the regulations issued by the United States Department of Agriculture pursuant to the Sugar Act of 1948, as amended: *Provided, however,* That if the Sugar Act of 1948, as amended, is not in effect for the crop year, the normal yield used for this purpose shall be the normal yield that the Corporation determines would have been established if the Sugar Act had remained in effect or the production guarantee established for the acreage by the Corporation on the county actuarial table or by agreement with the insured, whichever the Corporation shall elect.

2. Section 5(c) of the Sugar Beet Endorsement (applicable in all States except California) shown in § 401.140 of this chapter is amended by changing the first sentence of the second paragraph thereof to read as follows:

The hundredweight of commercially recoverable sugar shall be determined by multiplying the net weight of sugar beets in tons at the time of delivery to the processor by the applicable rate of commercially recoverable sugar prescribed for the crop year under regulations issued by the United States Department of Agriculture pursuant to the Sugar Act

of 1948, as amended: *Provided, however,* That, if the Sugar Act of 1948, as amended, is not in effect for the crop year, the applicable rate of commercially recoverable sugar per ton shall be determined by multiplying the sugar content of the beets, as shown by individual tests at the time of delivery to the processor, by the factor of 0.1658: *Provided, further,* That, if individual tests are not available, the rate of commercially recoverable sugar shall be either the rate the Corporation determines was or would have been established for the 1974 crop year for the area under the Sugar Act of 1948, as amended, or 2.75 hundredweight per ton, whichever the Corporation shall elect.

(Secs. 506, 516, 52 Stat. 73, as amended; 77, as amended; 7 U.S.C. 1506, 1516)

The foregoing amendment provides for a number of contractual changes in the Sugar Beet Endorsement (applicable in all states except California) which are necessary due to the possibility that the Sugar Act of 1948, as amended, may not be in effect for the 1975 crop year. The contractual changes provided by this endorsement will permit continuation of sugar beet crop insurance for 1975 using the normal yields that would have been established under the Sugar Act to establish guarantees, but thereafter guarantees may be established on a different basis without the necessity of amending the endorsement for the succeeding crop year. The Board was also of the opinion that the proposed amendment provided the only practical basis on which sugar beet crop insurance could be provided in view of the uncertainty of the continuation of the Sugar Act. Notice of changes must be given to sugar beet insureds by December 15, 1974, and applications for insurance will be taken in the near future.

Under the circumstances, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on September 25, 1974.

[SEAL] LLOYD E. JONES,
Federal Crop Insurance Corporation.

Approved on October 10, 1974.

EARL L. BUTZ,
Secretary.

[FR Doc.74-24001 Filed 10-15-74;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 5]

PART 726—BURLEY TOBACCO

Subpart—Burley Tobacco Marketing Quota Regulations, 1971–72 and Subsequent Marketing Years

On pages 30823 and 30824 of the August 26, 1974 FEDERAL REGISTER there was published Amendment 4 to the Burley Tobacco Marketing Quota Regulations 1971–72 and Subsequent Marketing Years. The definition of floor sweepings was amended and in amending the definition reference was made to § 726.51 (n); whereas, the reference should have been to § 726.51(o). This amendment to the regulations which corrects the erroneous references shall become effective upon the date of filing this document with the Director, Office of the Federal Register. The amendment to the regulations is as follows:

1. In § 726.51, paragraphs (n) and (o) are amended to read as follows:

§ 726.51 Definitions.

* * * * *

(n) *Farm yield.* The farm yield determined as provided in § 726.55 or § 726.65.

(o) *Floor sweepings.* The actual quantity of scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business: *Provided,* That the floor sweepings above the pounds determined by multiplying 0.0024 by the total first sales of tobacco at auction for the season for the warehouse shall be deemed to be leaf account tobacco. For the purpose of computing allowable floor sweepings, tobacco purchased for the warehouse leaf account shall not be included in determining total producer first sales. Floor sweeping tobacco shall be kept separate from any other tobacco when sold.

§ 726.88 [Amended]

* * * * * *

2. Paragraph (c) of § 726.88 is amended by changing the reference made to § 726.51(n) to § 726.51(o).

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 8, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-24000 Filed 10-15-14;8:45 am]

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER K—GENERAL CONDITIONAL PAYMENTS PROVISIONS

PART 892—MAINLAND CANE SUGAR AREA

Subpart D—Determination of Sugar Commercially Recoverable

RATES OF RECOVERABILITY: 1974 CROP

Pursuant to section 302(a) of the Sugar Act of 1948, as amended (7 U.S.C. 1132(a)), and as provided in § 892.35 (37 FR 18698), Subpart D of Part 892 is amended by adding § 892.38 to read as follows:

§ 892.38 Rates of recoverability, 1974 crop.

For the 1974 crop of sugarcane, the amount of sugar, in hundredweight, raw value, commercially recoverable from sugarcane grown on a farm in the Mainland Cane Sugar Area and marketed (or processed by the producer) for the extraction of sugar or liquid sugar, shall be obtained by multiplying the net weight of the sugarcane in tons by the rate of recoverability specified for the average percentage of sucrose in the normal juice of such sugarcane as follows:

(a) For farms in Louisiana:

Percentage of sucrose in normal juice: [1]	*Rate of recoverable sugar (hundredweight) per net ton of sugarcane*
6.0	0.584
7.0	0.704
8.0	0.905
9.0	1.130
10.0	1.318
11.0	1.488
12.0	1.657
13.0	1.826
14.0	1.997
15.0	2.169
16.0	2.333
17.0	2.500
18.0	2.667
19.0	2.834

(b) For farms in Florida:

Percentage of sucrose in normal juice: [1]	*Rate of recoverable sugar (hundredweight) per net ton of sugarcane*
6.0	0.674
7.0	0.851
8.0	1.028
9.0	1.223
10.0	1.408
11.0	1.574
12.0	1.747
13.0	1.923
14.0	2.098
15.0	2.272
16.0	2.447
17.0	2.614
18.0	2.769
19.0	2.934

[1] Rates for the intervening tenths of 1 percent shall be calculated by interpolation and less than 6 percent or more than 19 percent shall be computed in proportion to the immediately higher or preceding interval.

STATEMENT OF BASES AND CONSIDERATIONS

Section 892.35 (37 FR 18698) provides the method of determining and establishing amounts of sugar commercially recoverable from sugarcane in the Mainland Cane Sugar Area and provides that the rates shall become effective when public notice thereof is given in the FEDERAL REGISTER. Pursuant to the provisions of § 892.35, this section sets forth the rates applicable for the 1974 crop of sugarcane in the Mainland Cane Sugar Area. These rates reflect changes in the 5-year averages of normal juice extraction, boiling house efficiency, net cane as a percent of gross cane, polarization of sugar produced, and normal juice purity at each normal juice sucrose level.

The rates of recoverable sugar for the 6 percent normal juice sucrose level in Florida and the 18 and 19 percent normal juice sucrose levels in Louisiana have been computed by extrapolation as the number of analyses in these ranges are insufficient to give a reliable purity. These extrapolations are included as they have been used at various times under prior programs.

The rates are higher in all normal juice sucrose ranges than those for the preceding crop in Louisiana and lower in Florida due to small changes in all of these averages. A notice of proposed rule making was not given for § 892.38 as it is a mathematical formula which makes use of actual operating and production data reported by the sugar factories involved. Therefore, no discretionary decisions are involved and a public recommendation would not change the data.

Accordingly, I hereby find and conclude that the foregoing revision of Part 892 will effectuate the applicable provisions of the Act.

(Secs. 302, 303, 304, 403, 61 Stat. 930, as amended, 931, 932; 7 U.S.C. 1132, 1133, 1134, 1153)

Effective date: October 16, 1974.

Signed at Washington, D.C., on October 10, 1974.

VICTOR A. SENECHAL,
Deputy Administrator, Programs.

[FR Doc.74-24074 Filed 10-15-74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night, and Holiday Inspection and Quarantine Activities at Border, Coastal, and Air Ports

Veterinary Services inspectors of the U.S. Department of Agriculture are charged with performing inspection duties relating to imports and exports at border ports, ocean ports, and airports. Such services may be performed outside the regular tour of duty of the inspector when requested by a person, firm, or corporation and the charge for such overtime is recoverable from those requesting the services. The following amendment increases the hourly rates for such services performed on a Sunday or holiday, or at any other time outside the regular tour of duty. These increases are commensurate with salary increases provided Federal employees in accordance with the Federal Pay Comparability Act of 1970 (P.L. 91-656) and Executive Order 11811, dated October 7, 1974.

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260); the first sentence of §297.1, Part 97, Title 9, Code of Federal Regulations, is revised to read as follows:

§ 97.1 Overtime work at laboratories, border ports, ocean ports, and airports.[1]

Any person, firm, or corporation having ownership, custody or control of animals, animal byproducts, or other commodities subject to inspection, laboratory testing, certification, or quarantine under this subchapter and subchapter G of this chapter, and who requires the services of an employee of Veterinary Services on a holiday or Sunday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday or Sunday service request the Veterinary Services inspector in charge to furnish inspection, laboratory testing, certification or quarantine service during such overtime or holiday or Sunday period and shall pay the Administrator of the Animal and Plant Health Inspection Service at a rate of $17.96 per man hour per employee on a Sunday and at a rate of $12.12 per man hour per employee for holiday or any other period; except that for any services performed on a Sunday, or holiday, or at any time after 5 p.m. or before 8 a.m. on a week day, in connection with the arrival in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. * * *

* * * * * *

(64 Stat. 561 (7 U.S.C. 2260))

Effective date. The foregoing amendment shall become effective October 13, 1974, when it shall supersede 9 CFR 97.1, effective October 14, 1973.

Determination of the hourly rate for overtime services and of the commuted traveltime allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of October 1974.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-24226 Filed 10-15-74;8:45 am]

[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151.1 through 151.3.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-SO-60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On June 25, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 22966), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation regulations that would designate the Perry, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective 0901 GMT, December 5, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the following transition area is added:

PERRY, FLA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Perry-Foley Airport (Lat. 30°04'03" N., Long. 83°34'43" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on October 3, 1974.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.74-23979 Filed 10-15-74;8:45 am]

[Airspace Docket No. 74-SO-95]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to alter the St. Augustine, Fla., transition area.

The St. Augustine transition area is described in § 71.181 (39 FR 440). In the

description, an extension is predicated on St. Augustine VOR 289° radial. The final approach radial for the VOR RWY 13 Instrument Approach Procedure has been changed to 311°. It is necessary to amend the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (39 FR 440), the St. Augustine, Fla., transition area is amended as follows: "* * * 289° * * *" is deleted and "* * * 311° * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on October 4, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-23980 Filed 10-15-74;8:45 am]

[Airspace Docket No. 74-WA-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Change of Name of Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to change two reporting point names in the Honolulu, Hawaii, area.

To avoid the phonetic similarity of two reporting points in the same area, the SHARP reporting point is renamed SILLS to distinguish it from the SHARK reporting point. The BREAK reporting point is renamed BROMS to distinguish it from the word "break" used to separate radio voice messages.

Since the identifying names of reporting points and the descriptions of their locations are minor matters in which the public is not particularly interested, notice and public procedure thereon are unnecessary and since the similarity of the names may cause confusion and possibly affect air safety, good cause exists for making this amendment effective November 7, 1974.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective 0902 G.m.t., November 7, 1974, as hereinafter set forth.

Section 71.215 (39 FR 635, 30928) is amended as follows:

1. "BREAK:" is deleted and "BROMS:" is substituted therefor.

2. "SHARP:" is deleted and "SILLS:" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on October 8, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-23978 Filed 10-15-74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2523]

PART 13—PROHIBITED TRADE PRACTICES

GAC Corporation, et al.; Correction

The following corrections are made in FR Doc. 74-21964 appearing on pages 34023-29 of the issue for Monday, September 23, 1974:

1. Page 34023, in the fourth line of column three the world "recovery" should read "reconvey";

2. Page 34024, center column, in the fourth line under 23.(a): insert the word "sales" after the word "oral";

3. Page 34024, right-hand column, following the 24th line: insert the following words: "bership in and use of such facilities; or";

4. Page 34024, right-hand column: delete the 27th line which reads "available at respondents' subdivisions";

5. Page 34028, center column, following the 64th line: insert in center of the column the words "APPENDIX C";

6. Page 34028, right-hand column, fifth line: delete the words "APPENDIX C";

7. Page 34029, center column, in the sixth line of ordering paragraph VII(g): insert the words "; *provided, however,* That violation of any provision of this Order" immediately after the word "order".

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.74-24043 Filed 10-15-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

ADDITION OF FLUORIDE TO BOTTLED WATER

A notice of proposed rule making was published in the FEDERAL REGISTER of November 26, 1973 (38 FR 32563) to amend Part 121 by revising § 121.10 (21 CFR 121.10) to encompass the addition of fluoride to bottled water. Interested persons were invited to submit comments on the proposal within 60 days. Two comments were received from industry representatives. The comments and the Commissioner's conclusions are as follows:

1. One comment requested clarification as to the purpose of the amendment to § 121.10 and whether it was intended "* * * to reopen the basic policy issues in § 121.10, and particularly the allocation of fluorine-containing compound among all foodstuffs, and the extent of permitted non-prescription use of fluorine-containing drugs."

The Commissioner advises that the only purpose of the proposed revision of § 121.10 was to recognize the practice of fluoridation of bottled water within the limits established in the new standard of quality for bottled water under § 11.7 (21 CFR 11.7), published in the FEDERAL REGISTER of November 26, 1973 (38 FR 32558).

2. One comment expressed concern regarding the availability of water without added fluoride. The comment asserts that many consumers purchase bottled water as a means of avoiding fluoride and argues that an alternative source of water without added fluorides should be available. The comment argues that, while the addition of fluoride may normally be beneficial, this may not be true when an unusual amount of water is consumed.

The Commissioner advises that the standards permit the addition of fluoride within limits, but does not make such addition mandatory and they are not in any manner designed to lessen the availability of water without fluoride. There are no requirements that bottled water must contain added fluoride. A distributor may promote his product as containing no fluoride if such claim is accurate and truthful.

A notice was published in the FEDERAL REGISTER of May 14, 1974 (39 FR 17245), regarding the status of certain topical fluoride preparations for use in reducing the incidence of dental caries. The notice stated that these preparations are generally recognized as safe and effective, and not misbranded, if the labeling bears adequate information for safe and effective use of these preparations in reducing the incidence of dental caries when used under professional supervision. The notice also stated that the Panel on Review of Dentrifices and Dental Care Agents will consider whether some of these preparations may be available as over-the-counter drugs. This notice affects the accuracy of the November 26, 1973, proposal to amend § 121.10. In view of this notice regarding the status of certain topical fluoride preparations and the review panel's ongoing review of these preparations, the Commissioner concludes that the last sentence of proposed § 121.10 should be deleted in the final order. Such deletion does not affect the intent of the proposal to set limits regarding the addition of fluorine compounds to foods. In addition, the Commissioner concludes that there is no need to include a statement of policy regarding drugs containing fluorine compounds in the food additive regulations.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402, 409, 701(a), 52 Stat. 1046-1047 as amended, 1055, 72 Stat. 1785-1788 as amended; 21 U.S.C. 342, 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by revising § 121.10 to read as follows:

§ 121.10 **Fluorine-containing compounds.**

The Commissioner of Food and Drugs has concluded that it is in the interest of the public health to limit the addition of fluorine compounds to foods (a) to that resulting from the fluoridation of

public water supplies as stated in § 3.27 of this chapter, (b) to that resulting from the fluoridation of bottled water within the limitation established in § 11.7 (d) of this chapter, and (c) to that authorized by regulations (40 CFR Part 180) under section 408 of the act.

Effective date. This order shall be effective April 16, 1974.

(Secs. 402, 409, 701(a), 52 Stat. 1046–1047 as amended, 1055, 72 Stat. 1785–1788 as amended; 21 U.S.C. 342, 348, 371(a).)

Dated: October 9, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-23992 Filed 10-15-74;8:45 am]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

AMPROLIUM, ETHOPABATE, BACITRACIN METHYLENE DISALICYLATE

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (36-304V) filed by Merck Sharp and Dohme Research Laboratories, Division of Merck and Co., Inc., Rahway NJ 07065, proposing safe and effective use of 4 to 50 grams per ton of bacitracin as bacitracin methylene disalicylate with amprolium and ethopabate in chicken feed. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in § 121.210 *Amprolium*, paragraph (c), Table 1, by amending item 7.1 in subitem a. by revising the text under the fourth column ("Grams per ton") to read "4–50."

Effective date. This order shall be effective on October 16, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: October 8, 1974.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.74-23990 Filed 10-15-74;8:45 am]

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

TYLOSIN

The Commissioner of Food and Drugs has evaluated new animal drug applications filed by the following applicants proposing safe and effective use of tylosin premix in the manufacture of animal feed: Dean's Specialty Supply Co., Waseca, MN 56093 (96-780V); Golden Sun Feeds, Inc., Estherville, IA 51334 (97-567V); Ralston Purina Co., St. Louis, MO 63188 (96-343V); and Zip Feed Mills, Sioux Falls, SD 57102 (97-259). The applications are approved.

To facilitate referencing, those firms not previously assigned numbers are being assigned code numbers and placed in the list of firms in § 135.501(c) (21 CFR 135.501(c)).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. In Part 135 by adding to § 135.501(c) new sponsors as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

Code No.	*Firm name and address*
*	* * * *
119	Dean's Specialty Supply Co., 310 Second Ave. SW., Waseca, MN 56093.
120	Golden Sun Feeds, Inc., 111 South Fifth St., Estherville, IA 51334.
121	Zip Feed Mills, 304 East Eighth St., Sioux Falls, SD 57102.

2. In Part 135e by revising § 135e.10(b)(5), and by adding new (b)(16) through (18) to read as follows:

§ 135e.10 Tylosin.

* * * * *

(b) * * *

(5) To 047: 0.4 and 0.8 gram per pound, item 4; 10 grams per pound, items 4 and 11; 40 grams per pound, items 4, 6, 7, 8, and 11.

* * * * *

(16) To 119: 5 grams per pound; item 4.
(17) To 120: 0.8 gram per pound; item 4.
(18) To 121: 0.4 gram per pound; item 4.

* * * * *

Effective date. This order shall be effective October 16, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: October 8, 1974.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.74-23991 Filed 10-15-74;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Sodium Liothyronine Tablets, Veterinary; Correction

In FR Doc. 74-6135 appearing at page 9935 in the FEDERAL REGISTER of Friday, March 15, 1974, § 135c.98(a) is corrected to read as follows:

§ 135c.98 Sodium liothyronine tablets, veterinary.

(a) *Specifications.* Sodium liothyronine tablets, veterinary, consist of tablets intended for oral administration which contain liothyronine at 60 or 120 micrograms per tablet, as the sodium salt.

* * * * *

Dated: October 8, 1974.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.74-23989 Filed 10-15-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI72-14776]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Flood Insurance Rate Maps; Correction

On August 31, 1972, at 37 FR 17704, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Winston-Salem, North Carolina as an eligible community and included map No. H 37 067 5120 03 which indicates that land lots No. 20 through 42, 61 through 72 in Section No. Three of Town and Country Estates Annex; lots No. 11 through 19, 43 through 51 in Section No. 4 of Town and Country Estates Annex; lots No. 1 through 10, 37 through 45, 102 through 105, 110, and 111 in Section 5 of Town and Country Estates Annex; as recorded in book 831, page 390, and book 826, page 94, of the records of the Clerk of the Superior Court of Forsyth County, North Carolina, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after a review of recently acquired flood information as well as a review of the above map, that the above property is not within the Special Flood Hazard Area. Accordingly, effective March 24, 1971, map No. H 37 067 5120 03 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 403–410, Public Law 91-152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.

Issued: September 24, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-24049 Filed 10-15-74;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 128—TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT AND EXPORT OF COIN AND CURRENCY

Miscellaneous Amendments

This amendment is issued pursuant to the authority conferred in Title II of Public Law 93-110, 87 Stat. 352, 31 U.S.C. 1141-1143. Notice of the proposed rulemaking was published in the FEDERAL REGISTER (39 FR 23830) on June 27, 1974. The proposed amendments prescribed supplemental reporting requirements relating to foreign currency transactions by large U.S. enterprises and their foreign affiliates to provide additional data on the nature and source of flows of mobile capital. The Department also published on June 27, 1974, notice of proposed reporting forms which would implement the supplemental reporting requirements. A number of comments were received following publication and have been given consideration.

This amendment differs from the published proposed amendment in that it does not include the proposed report forms for nonbanking firms as described in proposed §§ 128.35 and 128.36. The proposed report forms for nonbanking firms are being given further study in light of the public comments received thereon. Those forms will be prescribed by a subsequent amendment to Part 128.

The other differences between this amendment and the published proposal reflect comments received.

With respect to confidentiality, the legend on the forms states "Data reported on this form will be held in confidence. (See Part I, Section A of the instructions.)" Pursuant to the legend, data furnished on the forms by individual respondents will not be publicly disclosed, but this data may be included in publicly disclosed aggregates, and may be furnished to other Federal agencies to the extent authorized by the Federal Reports Act, 44 U.S.C. 3501, *et seq.*

A new section 128.3 has been added to the proposed regulations to clarify further the use to which the data reported on the forms may be put. Section 128.3 provides that the information reported by individual respondents on the new foreign currency report forms and the existing foreign exchange report forms will not be disclosed publicly by the Department of the Treasury or by any other agency having access to the information pursuant to law. The section states that aggregate data derived from reports on these forms may be published or released in a manner which will not reveal the amounts reported by any individual reporting bank or nonbanking firm. Finally, the section provides that the Department may furnish to other Federal agencies data reported on these forms to the extent authorized by the Federal Reports Act.

In addition, several revisions to the proposed bank report forms and instructions were made. These were as follows: (1) The elimination of the requirement to report the percentage of total exchange contracts which were with banks, since such a requirement would have been unduly burdensome; (2) the exclusion from the weekly forms of forward contracts representing hedges of loans and deposits so as to avoid creating a distortion in the reported net position; (3) the exclusion from Forms FC-2 and 2a of local currency assets and liabilities with residents of the host country as irrelevant to the purpose of the forms; (4) the addition of the U.S. dollar to the currencies to be reported on Forms FC-2 and 2a in order to complete the data on branch positions; (5) a reduction in the effective exemption levels so as to insure adequate reporting under current market conditions; (6) the addition of the Italian lira to the foreign currencies to be reported; (7) the inclusion of nonbanking subsidiaries in the reports to be filed by banks, to conform to Federal Reserve practice; and (8) clarification of a number of the definitions.

Section 128.37 providing authority to require special reports has been revised to explain more fully the nature of the special reports that may be required. These reports may include special surveys of components of the foreign currency reports and of related data.

1. Section 128.2 is revised to read as follows:

§ 128.2 Reports.

(a) In order to effectuate the purposes of the Emergency Banking Act of 1933 (12 U.S.C. 95a) and Executive Order 6560 of January 15, 1934 (Part 127 of this chapter), and in order that information requested by the International Monetary Fund under the articles of agreement of the Fund may be obtained in accordance with section 8(a) of the Bretton Woods Agreements Act (sec. 8(a) 59 Stat. 515; 22 U.S.C. 286f and Executive Order No. 10033, 14 FR 561; 3 CFR, 1949 Supp.), every person subject to the jurisdiction of the United States engaging (1) in any transaction in foreign exchange; (2) in any transfer of credit between any person within the United States and any person outside of the United States; or (3) in the export or withdrawal from the United States of any currency or silver coin which is legal tender in the United States, shall furnish information relative thereto to such extent and in such manner and at such intervals as is required by report forms and instructions prescribed in Subpart B of this part.

(b) In order to effectuate the purposes of the Emergency Banking Act (12 U.S.C. 95a) and Executive Order 6560 of January 15, 1934 (Part 127 of this chapter), and to provide additional data on the nature and source of flows of mobile capital, including transactions by large United States business enterprises and their foreign affiliates, as required by Title II of Public Law 93-110 (87 Stat. 352), every United States person engaging (1) in any transaction in foreign exchange; (2) in any transfer of credit between any person within the United States and any person outside the United States; or (3) in the export or withdrawal from the United States of any currency or silver coin which is legal tender in the United States, shall furnish information relative thereto to such extent and in such manner and at such intervals as is required by report forms and instructions prescribed in Subpart C of this part. Information shall also be furnished by every United States person or persons with regard to any foreign person controlled by such United States person or persons as provided in Subpart C of this part.

(c) All persons required to report, other than bankers and banking institutions, shall furnish the reports required under Subparts B and C of this part to the Federal Reserve Bank of New York. Bankers and banking institutions shall furnish the required reports to the Federal Reserve Bank of the district in which such banker or banking institution has its principal place of business in the United States. In the event that any person required to report has no principal place of business within a Federal Reserve district, the information shall be furnished directly to the Office of the Assistant Secretary for International Affairs, Department of the Treasury, Washington, D.C. 20220 or to such agency at the Department of the Treasury may designate.

(Title II, Public Law 93-110, 87 Stat. 352 (31 U.S.C. 1141-1143))

§ 128.5 [Redesignated]

2. Section 128.3 is redesignated as § 128.5.

3. A new § 128.3 is added to read as follows:

§ 128.3 Use of information reported.

The information reported on the forms required under Subparts B and C will not be disclosed publicly by the Department of the Treasury or by any other Federal agency having access to the information as provided herein. Data reported on these forms may be published or released in the aggregate in a manner which will not reveal the amounts reported by any individual reporting bank or nonbanking firm. The Department may furnish to other Federal agencies data reported on these forms to the extent permitted by the Federal Reports Act, 44 U.S.C. 3501, *et seq.*

4. A new § 128.4 is added to read as follows:

§ 128.4 Penalties.

(a) Whoever willfully fails to submit a report required under this part may be criminally prosecuted and upon conviction fined not more than $10,000, or, if a natural person, may be imprisoned for not more than ten years, or both. Any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

(b) Whoever fails to submit a report required under Subpart C of this part may be assessed a civil penalty not exceeding $10,000.

(Sec. 2, Emergency Banking Act of 1933, 48 Stat. 1 (12 U.S.C. 95a); sec. 203, Public Law 93-110, 87 Stat. 352 (31 U.S.C. 1143).)

5. The heading for Subpart B is revised to read as follows: "Subpart B, Description of Forms Prescribed Under this Subpart."

6. A new Subpart C is added to read as follows:

Subpart C—Description of Forms Prescribed Under This Subpart

Sec.
128.30 Copies.
128.31 Foreign Currency Form FC-1: Weekly report of positions in specified foreign currencies of banks in the United States.
128.32 Foreign Currency Form FC-1a: Monthly report of assets, liabilities, and positions in specified foreign currencies of banks in the United States.
128.33 Foreign Currency Form FC-2: Weekly consolidated report of positions in specified currencies of foreign branches and subsidiaries of United States banks.
128.34 Foreign Currency Form FC-2a: Monthly consolidated report of assets, liabilities, and positions in specified currencies of foreign branches and subsidiaries of United States banks.
128.35 [Reserved]
128.36 [Reserved]
128.37 Special reports.

AUTHORITY: Title II, Pub. L. 93-110, 87 Stat. 352 (31 U.S.C. 1141-1143).

Subpart C—Description of Forms Prescribed Under This Subpart

§ 128.30 Copies.

Copies of the forms described in this subpart with instructions may be obtained from a Federal Reserve Bank or from the Office of the Assistant Secretary for International Affairs, Department of the Treasury, Washington, D.C. 20220.

§ 128.31 Foreign Currency Form FC-1: Weekly report of positions in specified foreign currencies of banks in the United States.

On this form bankers and banking institutions in the United States are required to report weekly to a Federal Reserve Bank their positions in the foreign currencies specified on the form, as of the close of business on Wednesday.

§ 128.32 Foreign Currency Form FC-1a: Monthly report of assets, liabilities, and positions in specified foreign currencies of banks in the United States.

On this form bankers and banking institutions in the United States are required to report monthly to a Federal Reserve Bank their assets, liabilities, and positions in the foreign currencies specified on the form, as of the last day of business of the month.

§ 128.33 Foreign Currency Form FC-2: Weekly consolidated report of positions in specified currencies of foreign branches and subsidiaries of United States banks.

On this form United States bankers and banking institutions are required to report weekly to a Federal Reserve Bank the consolidated positions of their foreign branches and majority-owned foreign subsidiaries in the currencies specified on the form as of the close of business on Wednesday.

§ 128.34 Foreign Currency Form FC-2a: Monthly consolidated report of assets, liabilities, and positions in specified currencies of foreign branches and subsidiaries of United States banks.

On this report form United States bankers and banking institutions are required to report monthly to a Federal Reserve Bank the consolidated assets, liabilities, and positions of their foreign branches and majority-owned foreign subsidiaries in the currencies specified on the form as of the last day of business of the month.

§ 128.35 [Reserved]

§ 128.36 [Reserved]

§ 128.37 Special reports.

At times when prompt or expanded information on current conditions in the foreign exchange market is needed by the Department of the Treasury, special reports may be required at more frequent intervals or at different intervals than those specified on the forms, covering more detailed information than that required by the forms, and covering information related to that required by the forms. Special reports may be required to be submitted by telegraph or other rapid means of communication.

Effective date. This amendment becomes effective on November 29, 1974.

Dated: October 10, 1974.

[SEAL] CHARLES A. COOPER,
Assistant Secretary.

[FR Doc.74-24054 Filed 10-15-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 3-74-4-R]

PART 127—SECURITY ZONES

New London Harbor, New London, Connecticut

This amendment to the Coast Guard's Security Zone Regulations, establishes the waters of New London Harbor, New London, Connecticut as a security zone. This security zone is established due to the launching of the USS Philadelphia (SSN 690) from the Electric Boat Division, General Dynamics, Groton, Connecticut.

This amendment is issued without publication of a notice of proposed rule making and this amendment is effective in less than 30 days from the date of publication, because this security zone involves a military function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.324, to read as follows:

§ 127.314 New London Harbor, New London, Connecticut.

The waters within the following boundary is a security zone: a line beginning at 41-20-32N, 72-06-00W; thence north to 41-21-03N, 72-06-00W; thence east to 41-21-03N, 72-05-00W; thence south to 41-20-32N, 72-05-00W; thence to the beginning point.

(46 Stat. 220, as amended, sec. 1, 63 Stat. 503, sec. 6(b), 80 Stat. 937; 50 U.S.C. sec. 191, 14 U.S.C. sec. 91, 49 U.S.C. sec. 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR, 1954-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Effective date. This amendment becomes effective from 12 Noon to 2 p.m., Eastern Daylight Time on October 19, 1974.

Dated: September 20, 1974.

D. E. PERKINS,
Captain, U.S. Coast Guard, Acting Commander, Third Coast Guard District, Governors Island, New York.

[FR Doc.74-24039 Filed 10-15-74;8:45 am]

Title 40—Protection of Environment

[FRL 270-8]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

Subchapter C—Air Programs

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Compliance Schedules for California

On May 31, 1972 (37 FR 10842), September 22, 1972 (37 FR 19812) and May 14, 1973 (38 FR 12706), the Administrator promulgated certain portions of the implementation plan for the State of California for attainment and maintenance of national ambient air quality standards in accordance with section 110 of the Clean Air Act, as amended and 40 CFR Part 51. Among the regulations so promulgated was 40 CFR § 52.240(d). That section identified specific air pollution control regulations in the California implementation plan, and required sources subject to those regulations to submit to the Administrator for approval proposed compliance schedules containing increments of progress demonstrating compliance with the applicable regulations as expeditiously as practicable but no later than the final compliance date specified in the applicable regulation.

On March 5, 1974 (39 FR 8351), the Administrator proposed for approval 37 schedules which had been submitted by sources pursuant to 40 CFR § 52.240(d). On April 4, 1974, after due notice, a public hearing on the compliance schedules was held in Los Angeles, California.

A comment received at the hearing from the Riverside Cement Company stated that the compliance schedule submitted by EPA is "unnecessarily vague with respect to which facilities are to be

brought into compliance." The compliance schedule for Riverside Cement Company has been reworded to read: "bring the emissions from the clinker cooler exhausts for Kilns #1 through 5 into compliance." Pursuant to other comments received prior to or at the hearing, the following changes in compliance schedules have been made: Riverside Cement Company—an increment of progress changed from 3/31/74 to 7/31/74; Kerr-McGee Chemical Company Nos. 1 and 2 Aghi Dryers (Potash Section)—increment of progress changed from 3/1/74 to 4/15/74; Whitteman Steel Mills—final compliance date changed from 11/1/74 to 1/1/75; City of Los Angeles, Department of Water and Power, Haynes Units 1 through 5—schedules have been revised. No comments on the proposed schedules, other than those reflected in these specific changes, were received by EPA.

Twelve of the 37 compliance schedules are not being promulgated in this FEDERAL REGISTER publication. Schedules for 7 sources will not be promulgated because in each case the company has certified that they are now in compliance, one will not be promulgated because the company has withdrawn the schedule, one will not be promulgated because an approvable schedule has been officially submitted by the State as a revision to the implementation plan and will be promulgated elsewhere in the FEDERAL REGISTER, and three are not approvable because the schedules proposed on March 5, 1974, were subsequently revised to contain final compliance dates which extend beyond the effective date of Rule 66(c) of the Los Angeles County APCD or of Rule 72.2 of the Riverside County APCD. The remaining 25 schedules are approvable.

The Administrator has determined that the compliance schedules for sources listed below are consistent with the requirements of the Clean Air Act, 40 CFR §§ 51.15 and 52.240(d), and the schedules are hereby approved. A compliance schedule consists of intermediate and final dates by which actions are to be taken by an air pollution source toward meeting applicable State or Federal emission limiting regulations. Each compliance schedule listed below establishes a new date by which the individual source must comply with applicable air pollution regulations. This date is indicated in the table below under the heading "Final Compliance Date." The schedules include incremental steps towards compliance with the applicable regulations. While the table below does not include these interim dates, the actual compliance schedules do. The increments of progress, as well as the final compliance date, are legally enforceable by the Administrator pursuant to section 113 of the Clean Air Act, as amended. Approval of these schedules is solely on the basis that compliance is required by the specified "Final Compliance Date," regardless of the method of control specified by the schedule.

A copy of the complete implementation plan, including these schedules, is available for public inspection at the Environmental Protection Agency, Office of Public Affairs, 401 M Street, SW, Washington, D.C. 20460; at the Agency's Regional Office, Region IX, 100 California Street, San Francisco, California 94111; at the State of California Air Resources Board, 1079 11th Street, Sacramento, California 95814; and within each Air Quality Control Region at the addresses listed below:

U.S. Environmental Protection Agency
300 N. Los Angeles Street
Los Angeles, California 90012

Los Angeles County APCD
434 S. San Pedro Street
Los Angeles, California 90013

San Bernardino County APCD
172 W. Third Street
San Bernardino, California 92404

Riverside County APCD
1888 Mission Boulevard
Riverside, California 92509

Ventura County Environmental Health Department
3319 Telegraph Road
Ventura, California 93003

An evaluation report setting forth the Environmental Protection Agency's position on each schedule is also available for public inspection at the Agency's Regional Office at the San Francisco address given above.

This regulation is effective November 15, 1974.

(42 U.S.C. 1857c-5)

JOHN QUARLES,
Acting Administrator.

OCTOBER 4, 1974.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.240 is amended by adding a new paragraph (e) as follows:

§ 52.240 Compliance schedules.

* * * * *

(e) *Federal compliance schedules.* The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 and paragraph (d) of this section. All regulations cited are air pollution control regulations of the specific county in which the source is located, unless otherwise noted.

Source	County location	Regulation involved	Effective date	Final compliance date
Douglas Aircraft Co	Los Angeles	Rule 66(c)	Sept. 1, 1974	Aug. 31, 1974
City of Los Angeles, Department of Water and Power:				
a. Haynes Unit 1	do	Rule 63	Dec. 31, 1974	July 5, 1974
b. Haynes Unit 2	do	do	do	Nov. 20, 1974
c. Haynes Unit 3	do	do	do	Dec. 13, 1974
d. Haynes Unit 4	do	do	do	Aug. 12, 1974
e. Haynes Unit 5	do	do	do	Dec. 30, 1974
Southern California Edison Co.:				
a. Alamitos Unit 5	do	do	do	Dec. 31, 1974
b. Alamitos Unit 6	do	do	do	Do.
c. Redondo Unit 7	do	do	do	Do.
d. Redondo Unit 8	do	do	do	Do.
e. Ormond Beach Station, Unit 1	Ventura	Rule 59	Jan. 1, 1975	Do.
f. Ormond Beach Station, Unit 2	do	do	do	Do.
Kerr-McGee Chemical Co.:				
a. Chemhl dryer (potash section)	San Bernardino.	Rules 50A, 52A, and 54A.	do	Oct. 15, 1974
b. Supo dryer (potash section)	do	do	do	Nov. 10, 1974
c. No. 1 aghi dryer (potash section)	do	do	do	Dec. 15, 1974
d. No. 2 aghi dryer (potash section)	do	do	do	Nov. 15, 1974
e. Boric acid dryer (boron section)	do	do	do	Nov. 1, 1974
f. No. 2 dryer (soda products section)	do	do	do	Dec. 20, 1974
g. Licons roaster (soda products section)	do	do	do	Dec. 1, 1974
h. Bleacher (carbonation section)	do	do	do	Dec. 15, 1974
Riverside Cement Co. Kilns Nos. 1 through 5	do	Rules 52A and 54A.	do	Dec. 31, 1974
Stauffer Chemical Co.:				
a. Grade 80 plant	do	Rules 50A and 52A.	do	Dec. 20, 1974
b. Dense ash plant	do	do	do	Nov. 15, 1974
c. Anhydrous boron plant	do	do	do	Nov. 8, 1974
Witteman Steel Mills	do	Rules 52A and 54A.	do	Jan. 1, 1975

[FR Doc.74-23841 Filed 10-15-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[AIDPR Notice 75-3]

PART 7-1—GENERAL

Establishment of Appendix Section for the AID Procurement Regulations

To: Heads of AID Procuring Activities:

AIDPR NOTICE 75-3 establishes an appendix system for the AIDPR. Until now AID procurement policies and instructions which were essentially procedural or for information purposes, as opposed to implementation of regulation, were published within AID as manual orders, policy determinations, or similar issuances. This Notice establishes an AIDPR Appendix system which will incorporate procedural or informational policies and instructions as Appendices to the AIDPR, and incorporates the initial Appendices ("The Respective Roles of Contracting and Other Personnel in the AID Procurement Process", and "AID Contract Formats").

1. Add "Appendices" following the last entry in the Table of Parts for the AIDPR.

2. New § 7–1.105–2, Appendices, is added to the Contents of Part 7–1; Subpart 7–1.1—Introduction.

3. Add a new § 7–1.105.2 as follows:

§ 7–1.105–2 Appendices.

Procurement policies and instructions which are essentially informational or procedural may be issued as Appendices to the AIDPR. Appendices are filed behind the main text of the AIDPR in a section entitled "Appendices." The Appendices section contains a table of contents and individual Appendices. The Appendices are identified by letter and subject title (e.g., Appendix A, [title]).

APPENDICES

4. Add a new contents page following the main AIDPR text as follows:

CONTENTS—AIDPR APPENDICES

Appendix A—Respective Roles of Contracting and Other Personnel in the AID Procurement Process.

Appendix B—AID Contract Formats.

5. Add a new Appendix A as follows:

Appendix A—Respective Roles of Contracting and Other Personnel in the AID Procurement Process

1. *Basic Policy.* Only a contracting officer, designated to enter into contracts and make the determinations and findings related thereto (or an authorized representative of the contracting officer acting within the limits of his authority), may bind the United States Government to a contract, or direct or authorize a contractor to proceed with work (see FPR § 1–1.207, § 1–3.801).

2. *Planning, Competition, Negotiation, and Award.* (a) Preaward technical discussions with potential contractors should be conducted in such a manner as to preclude the assumption by any potential contractor that a commitment has been made to him. AID employees are responsible for insuring that no unfair competitive advantage is afforded one contractor over any other contractor in competing for Agency contracts. In this connection, discussions with prospective contractors prior to the final selection of the contractor and commencement of negotiations by the contracting officer must be conducted with the greatest discretion. Under no circumstances should the specific amount of funds which the Agency has available to support a contract be made known to a prospective contractor. No AID employee is authorized to dilute the Agency's negotiation position prior to or during an "arm's length" negotiation conducted between AID and the contractors with whom it does business. The requirement for preservation of the Agency's negotiation position must be scrupulously observed whether the procurement is to be negotiated with a single, non-competitive source or whether it is to be negotiated on the basis of multiple competitive proposals. It is advisable to involve the contracting officer in the project planning cycle as early as possible, and to insure that he or his representative is either present at any meeting with prospective contractors, or is consulted prior to such a meeting.

(b) Contracting personnel act upon requirements which are formulated by the planning, technical, and research offices of the Agency. Contracting officers obtain the information they need on technical requirements by questions and discussions with the planning, technical, and research offices of the Agency. If a contract is to be tenable, the end result which is desired must be described with completeness and exactitude. The scope of the work must be explicitly stated; otherwise the contracting officer cannot assure terms in a contract by which the desired action can be enforced. If the requiring office cannot provide a point of departure in these terms and deliver to the contracting officer a clear-cut description of the purpose and outline the limits of the scope, results may be disappointing and the possibility of deferring the project until these elements can be given more concrete dimensions should be considered. Finally, the requiring office should insure that the scope of work and funding information are delivered to the contracting officer with sufficient lead time to allow for proper preparation and planning of the procurement.

(c) One of the paramount duties of the contracting officer is to secure competition to the maximum practical extent for any planned procurement. The procedures for formally advertised, or for publicized negotiated, or for limited source procurements differ; the contracting officer must determine the proper method of procurement and contract type, and must determine the extent of competition required. The technical office has a continuing responsibility to assist the contracting officer in this effort to obtain competition and negotiate a contract. Basically, this commences with adequate drafting of the statements of work and specifications. The technical office can frequently assist by identifying additional technically competent sources for the solicitation of proposals.

3. *Contract administration.* Meetings to discuss contract matters with contractors should be preceded by sufficient advance notification to all parties, including the contracting officer, to permit advance arrangements for the attendance at such meetings. Technical personnel shall not hold discussions of contract problems with contractors or technical problems with contractual implications without arranging for attendance by contracting personnel. Once a meeting with a contractor has been agreed upon and the issues have been made known to all involved parties, an internal AID meeting should take place between technical and contracting personnel, with the Country Desk representative and such other personnel in attendance as may be necessary, to establish an AID position or line of inquiry to be followed in the meeting with the contractor. If differences of opinion arise among AID personnel in the meeting with the contractor, such differences should never be discussed in the meeting with the contractor. AID personnel shall adjourn to resolve privately any such differences of opinion, and resume discussions with the contractor only when the AID position is consolidated. The AID individual designated to chair meetings with a contractor should be selected prior to the meeting with the contractor. Depending upon the issues to be discussed, whether primarily technical or primarily contractual, the chairman should be designated from either the technical office or the contracting office.

6. Add a new Appendix B as follows:

APPENDIX B—AID CONTRACT FORMATS

1. *FPR and AIDPR Required Contract Clauses.* FPR 1–7 and 1–16, and AIDPR 7–7 and 7–16 establish prescribed general provisions clauses and contracts cover pages for AID contracts.

2. *General Provisions.* (a) For administrative convenience, AID issues pre-printed general provisions and additional general provisions, as shown in the list below:

AID Form No.	*Title*
1420–27B (9–74)	General Provisions—Basic Ordering Agreement for Participant Training.
1420–27H (9–74)	General Provisions—Contract for Participant Training.
1420–41C (9–74)	General Provisions—Cost Reimbursement Type Contract.
1420–41D (9–74)	Additional General Provisions—Cost Reimbursement Type Contract.
1420–42C (11–72)	General Provisions—Fixed Price Technical Services Contract.
1420–42D (7–72)	Additional General Provisions—Fixed Price Technical Services Contract.
1420–23C (9–74)	General Provisions—Cost Reimbursement Contract with an Educational Institution.
1420–23D (9–74)	Additional General Provisions—Cost Reimbursement Contract with an Educational Institution.

(b) The pre-printed general provisions and additional general provisions listed in paragraph B–(1), above, are pre-printed as a convenience, to save typing and assembly time. Each AID contract negotiator and contracting officer is responsible for insuring that the contract contains the clauses required by the relevant section of AIDPR 7–7 and FPR 1–7; the clauses set forth in AIDPR 7–7 and FPR 1–1 take precedence over equivalent clauses in the pre-printed formats.

(c) The pre-printed formats will be updated from time to time to bring them into conformance with the required clauses established in AIDPR 7–7 and FPR 1–7, either by revising and re-issuing the entire format, or by issuing a supplement. Between such revisions, AID contract specialists are responsible for ensuring that the required clauses established in FPR 1–7 and AIDPR 7–7 are utilized.

3. *Contract Schedules.* Contract schedule outlines have been prepared for optional use in developing the final contract schedule. The following outlines are available:

AID Form No.	*Title*
1420–27C (7–72)	Schedule—Basic Ordering Agreement for Participant Training Services.
1420–41B (7–72)	Schedule—Cost Reimbursement Type Contract.
1420–42B (7–72)	Schedule—Fixed Price Technical Services Contract.
1420–23B (10–73)	Schedule—Cost Reimbursement Contract with an Educational Institution.

4. *Contract Cover Pages.* Required cover pages are prescribed and illustrated in FPR 1–16 and AIDPR 7–16.

5. *Availability of Formats.* The contract formats referenced herein are stocked by the AID Distribution Branch and by the Support Division, Office of Contract Management. Mission contracting offices should order their supply through AID Distribution; AID/W contracting offices, through the Support Division, Office of Contract Management.

FILING: This Notice should be filed in front of the main text of the AIDPR.

AUTHORITY: This AIDPR Notice No. 75–3 is an interim procurement instruction and is issued pursuant to AIDPR 7–1.104–4.

Effective date: This Notice is effective immediately.

WILLARD H. MEINECKE,
Acting Assistant Administrator for Program and Management Services.

SEPTEMBER 26, 1974.

[FR Doc.74-24015 Filed 10-15-74;8:45 am]

CHAPTER 9—ATOMIC ENERGY COMMISSION

PART 9-53—NUMBERING AND DISTRIBUTION OF CONTRACTS AND ORDERS

MISCELLANEOUS AMENDMENTS

Subpart 9-53.100 Contracts

This revision is being made to revise the language in AECPR 9-53.101(d) in order to clarify the manner in which sales contracts are to be identified and numbered by contracting offices. 1. In Subpart 9-53.100, Contracts, § 9-53.101, *Numbering of contracts,* paragraph (d) is revised as follows:

Subpart 9-53.100 Contracts

§ 9-53.101 Numbering of contracts.

* * * * *

(d) The identification and numbering of sales contracts by contracting offices should be prefixed by the same contract symbol as prescribed for other contracts, e.g. Albuquerque Operations Office, AT (29-2). The remaining part of the number should be identified in such a way as to designate it as a sales contract.

* * * * *

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; Sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. This amendment is effective on October 19, 1974.

Dated at Germantown, Maryland, this 7th day of October 1974.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[FR Doc.74-24033 Filed 10-15-74;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

[FPMR Amdt. G-31]

PART 101-39—INTERAGENCY MOTOR VEHICLE POOLS

Subpart 101-39.6—Official Use of Government Motor Vehicles and Related Motor Pool Services

POLICY GUIDANCE ON LEASING MOTOR VEHICLES

This amendment prescribes policy and procedures governing the submission of agency requirements for leased motor vehicles.

Sections 101-39.600 and 101-39.601 are revised as follows:

§ 101-39.600 Scope of subpart.

This subpart prescribes the requirements governing (a) the use of Government motor vehicles acquired for official purposes and operated by a motor pool system established under this Part 101-39; (b) the use of motor pool services other than furnishing Government vehicles (see § 101-39.502), hereinafter referred to in this subpart as related services; and (c) the submission to GSA of all new requirements for leased motor vehicles exceeding the maximum order limitation of Federal Supply Schedule, Industrial Group 751—Motor Vehicle Rental Without Driver.

§ 101-39.601 General requirements.

(a) *Leasing of motor vehicles.* All new requirements for leased motor vehicles exceeding the maximum order limitation of Federal Supply Schedule, Industrial Group 751—Motor Vehicle Rental Without Driver, shall be submitted to the General Services Administration for appropriate action as specified in this § 101-39.601. The request shall include full justification of the need for such leased vehicles and a certification that other means of transportation are not available or not suitable. Further, the type of vehicle requested shall be limited to type I passenger vehicles or equivalent (see § 101-26.501) unless the agency head or his designee has certified that the larger vehicles are essential to the agency's mission. The anticipated duration of the lease also shall be included in the request.

(1) Agencies establishing new requirements for leased vehicles, nationwide, shall submit such requirements to the General Services Administration (FZ), Washington, DC 20406, for a determination of whether the requirements can be satisfied with vehicles from the Interagency Motor Pool System. The Office of Transportation and Public Utilities (FZ) will notify agencies and the appropriate GSA regional offices regarding decisions on vehicle allocations or, where motor pool vehicles are not available, advise agencies to proceed with leasing action.

(2) For other than new national requirements, agencies shall submit such requirements to the Regional Director, Motor Equipment Services Division, Federal Supply Service, of the supporting GSA region, for a determination of whether the requirements can be satisfied with vehicles from the Interagency Motor Pool System. If motor pool vehicles are available, the agency will be so notified by the regional office. If motor pool vehicles are not available, GSA will return the request to the agency for leasing action.

(3) Leasing of medium and heavy trucks for periods of less than 90 days and all charter services are exempted from the provisions of this regulation.

(b) *Control or use of motor pool system vehicles.* Agency officials concerned with the use or control of motor vehicles furnished by a motor pool system shall ensure that all employees under their supervision who operate or use such vehicles are fully acquired with the requirements of this subpart.

(1) To operate a motor vehicle furnished by a motor pool system, civilian employees of the Federal Government and designated employees of authorized contractors and subcontractors shall be required to have a State, District of Columbia, or Commonwealth operator's permit for the type of vehicle to be operated, issued for the area in which the employee is principally employed or in which he lives; and, except as authorized in paragraph (2) of this § 101-39.601, a Federal operator's permit (Standard Form 46, U.S. Government Motor Vehicle Operator's Identification Card) issued in accordance with requirements of the Civil Service Commission.

(2) Government employees requiring temporary use of a vehicle furnished by a motor pool while on travel status need not possess a Standard Form 46 if their orders specifically authorize the use of such a vehicle.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

Effective date. This regulation is effective October 16, 1974.

Dated: October 4, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74-24005 Filed 10-15-74;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO VOCATIONAL STUDENTS AND STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Special Allowances

Subparagraph (3) of § 177.4(c), Special Allowances, which deals with the payment to lenders of the allowances authorized by section 2 of the "Emergency Insured Student Loan Act of 1969" (Public Law 91-95) is amended to provide for the payment of such an allowance for the period July 1, 1974, through September 30, 1974, inclusive.

In light of the directives in the Emergency Insured Student Loan Act of 1969 with respect to the factors that the Secretary of Health, Education, and Welfare is to consider and the officials with whom he is to consult in setting the rate of the special allowance, and since a comment period would cause delay of at least 30 days, following each quarterly 3-month period, before lenders could receive the special allowance for such period, it has been determined pursuant to 5 U.S.C. 553 that the solicitation of comment as to the rate of the special allowance for any particular quarter is both impracticable and contrary to the public interest.

Effective date. Pursuant to section 431 (d) of the General Education Provisions Act, as amended, (20 U.S.C. 1232(d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

Section 177.4(c)(3) is amended as follows:

§ 177.4 Payment of interest benefits, administrative cost allowances and special allowance.

* * * * *

(c) *Special allowances.* * * *

(3) Special allowances are authorized to be paid as follows:

* * * * *

(xxi) For the period July 1, 1974, through September 30, 1974, inclusive, a special allowance is authorized to be paid in an amount equal to the rate of three percent per annum of the average unpaid balance of disbursed principal of eligible loans.

(Sec. 2, 83 Stat. 141)

(Catalog of Federal Domestic Assistance No. 13.460 Guaranteed Student Loan Program)

Dated: October 1, 1974.

T. H. BELL,
U.S. Commissioner of Education.

Approved: October 10, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

[FR Doc.74-24220 Filed 10-15-74;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-246R]

PART 160—LIFESAVING EQUIPMENT

Marine Buoyant Devices

The purpose of these amendments to the Coast Guard Regulations dealing with lifesaving equipment is to change the buoyancy requirements for Type IV Personal Flotation Devices approved under Subpart 160.064, to change the title of the subpart to "Marine Buoyant Devices", to delete the words "special purpose" wherever they appear in the subpart, and to substitute the words "intended to be thrown" wherever the words "designed for grasping" appear in the subpart.

This amendment is based on a notice of proposed rulemaking published in the Monday, March 18, 1974, issue of the FEDERAL REGISTER (39 FR 10160).

Two comments which applied directly to the proposed rule were received.

One comment concerned the fact that the proposed rule would permit buoyant cushions with 18 pounds of buoyancy to be approved under Subpart 160.064. The commentor (a recognized testing laboratory) believed that permitting the cushions to be approved under that subpart rather than Subpart 160.049 would create a possible source of confusion for those using the laboratory's listing cards or list of marine products. The Coast Guard feels that the suggestion in this comment should not be adopted. It is possible for the listing cards or the list of marine products published by the laboratory to be cross referenced. The Coast Guard desires that the 18 pound buoyant cushion be approved under a subpart separate from the subpart which applies to the standard cushion.

The second comment concerned the proposed new title of the subpart—"Marine Water Safety Devices". It was suggested that the word "safety" may have a misleading connotation. The Coast Guard considers this comment to have merit and therefore amends the current heading to a more descriptive heading: "Marine Buoyant Devices".

Accordingly, with this change, the proposed amendment is adopted as set forth below.

Effective date. This amendment is effective on October 14, 1974.

Dated: September 27, 1974.

O. W. SILER,
Admiral, U.S. Coast Guard, Commandant.

Part 160 of Title 46 of the Code of Federal Regulations is amended as follows:

Subpart 160.064—Marine Buoyant Devices

1. By revising the heading of Subpart 160.064 to read as set forth above.

§ 160.064-2 [Amended]

2. By amending § 160.064-2 as follows:

a. In paragraph (a), by striking the words "special purpose", and by striking the words "intended for grasping by a person in water", and inserting the words "intended to be thrown".

b. In paragraph (b), by striking the words "special purpose".

c. In paragraph (c), by striking the words "special purpose" in the first sentence, and by striking the words "Special purpose buoyant devices designed for grasping by a person in water," and inserting the words "Water safety buoyant devices intended to be thrown," in the second sentence.

d. By adding paragraph (d) to read as follows:

(d) *Dimensions.* A foam cushion designed to be thrown must be 2 inches or more in thickness and must have 225 or more square inches of top surface area.

§ 160.064-3 [Amended]

2. Section 160.064-3 is amended as follows:

a. In paragraph (a), by striking the words "special purpose".

b. In paragraph (b), by striking the words "special purpose buoyant devices," and inserting the words "water safety buoyant devices".

c. In paragraph (b), by striking the words "Devices intended for grasping" and inserting the words "Devices intended to be thrown" in the fifth sentence.

d. By revising paragraph (d) to read as follows:

(d) *Buoyancy.* (1) Buoyancy for devices to be worn is as follows:

(i) Devices for persons weighing more than 90 pounds must have 15½ pounds or more of buoyancy.

(ii) Devices for persons weighing 50 to 90 pounds must have 11 pounds or more of buoyancy.

(iii) Devices for persons weighing less than 50 pounds must have 7 pounds or more of buoyancy.

(2) Buoyancy for devices to be thrown is as follows:

(i) Ring life buoys must have 16½ pounds or more of buoyancy.

(ii) Foam cushions must have 18 pounds or more of buoyancy.

(iii) A device other than those specified in paragraph (d)(2)(i) or (ii) of this section must have 20 pounds or more of buoyancy.

(3) The buoyancy values required in paragraph (d)(1) and (2) of this section must be as follows:

(i) For each device containing foam buoyant materials, the required buoyancy value must remain after the device has been submerged in fresh water for 24 or more continuous hours.

(ii) For each device containing kapok, the required buoyancy value must remain after the device has been submerged in fresh water for 48 or more continuous hours.

e. In paragraph (e), by striking the words "special purpose buoyant devices" and inserting the words "water safety buoyant devices".

§ 160.064-4 [Amended]

3. In § 160.064-4(a), by striking the words "special purpose buoyant device" and inserting the words "water safety buoyant devices".

§§ 160.064-6, 160.064-7 and 160.064-8 [Amended]

4. In §§ 160.064-6, 160.064-7 and 160.064-8 by striking the words "special purpose" from the first sentence of paragraph (a) of each section.

(Sec. 17, 54 Stat. 166, as amended (46 U.S.C. 526p), Sec. 5, 85 Stat. 215 (46 U.S.C. 1454), sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655 (b)(1)); 49 CFR 1.46(b) and (c)(1))

[FR Doc.74-24038 Filed 10-15-74;8:45 am]

proposed rules

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Limitations on Carryovers of Unused Credits and Capital Losses

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by November 15, 1974. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by November 15, 1974. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 383 (85 Stat. 521; 26 U.S.C. 383) and 7805 (68A Stat. 917; 26 U.S.C. 7805) of the Internal Revenue Code of 1954.

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

PREAMBLE

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 383 of the Internal Revenue Code of 1954 in order to conform such regulations to the provisions of section 302 of the Revenue Act of 1971 (85 Stat. 521), relating to limitations on the carryover of unused credits and capital losses.

Section 383 provides that the limitations contained in section 382, which apply to the carryover of net operating losses of a corporation, shall also apply to the carryover of any unused investment credit of the corporation which may otherwise be carried forward under section 46(b), any unused work incentive program credit of the corporation which may otherwise be carried forward under section 50A(b), any unused foreign taxes of the corporation which may otherwise be carried forward under section 904(d), and any net capital losses of the corporation which may otherwise be carried forward under section 1212.

Section 382 imposes two separate limitations on the carryover of a corporation's net operating losses. Section 382(a) provides for the complete elimination of all net operating loss carryovers if, at the end of a taxable year, there has been a change in the ownership and business of the corporation occurring in a specified manner. Section 382(b) provides for a percentage reduction of the net operating loss carryovers of a corporation which may otherwise be carried forward to the first taxable year of the acquiring corporation ending after the date of transfer, if, as a result of a reorganization described in section 381(a)(2), the former stockholders of the corporation own, immediately after the reorganization, less than 20 percent of the fair market value of the outstanding stock of the acquiring corporation.

The purpose of the proposed regulations is to provide rules to govern the manner in which the limitations provided in section 382(a) and section 382(b) are to apply to the carryover of the items listed in section 383. The proposed regulations are divided into three sections. The first section (§ 1.383-1) provides general introductory material. The second section (§ 1.383-2) provides rules for applying the limitation provided in section 382(a) to the items listed in section 383, and the last section (§ 1.383-3) provides rules for applying the limitation provided in section 382(b). The proposed regulations are based principally on the regulations under section 382 and incorporated by reference those provisions of the regulations which apply in the same manner to the carryover of the items listed in section 383.

Since the limitation provided in section 382(a) on the carryover of net operating losses applies in the same manner and without need for modification to the carryover of each of the items listed in section 383, the regulations under section 382(a) have been incorporated by reference into the proposed regulations to govern the manner in which such limitation is to apply.

The proposed regulations apply the principles of § 1.382(b)-1 (relating to the limitation on the carryover of net operating losses) for purposes of determining the manner in which the limitation provided in section 382(b) is to apply to the carryover of the items listed in section 383, subject however, to the following modifications.

The proposed regulations contain a rule which insures that where carryovers to the first taxable year of the acquiring corporation ending after the date of transfer are reduced under section 382(b), the amount of the reduction will be properly taken into account in computing carryovers to subsequent taxable years. This rule provides that if the limitation of section 382(b) applies, then the amount of the reduction so computed shall be applied against and eliminate the oldest carryovers, whether of the transferor corporation or of the acquiring corporation, which may otherwise be carried to the acquiring corporation's first taxable year ending after the date of transfer.

The proposed regulations contain a special rule in § 1.383-3(b) which provides that for purposes of applying the limitation of section 382(b) to the carryover of unused foreign taxes, the amount of the reduction shall be computed separately for each group of carryovers which are of the same origin. Also, in the absence of a provision in section 381(c) relating to unused foreign tax carryovers, a provision was added in the proposed regulations (§ 1.383-3(b)(1)) to provide that in determining the amount of unused foreign tax of a transferor corporation which may be taken into account by an acquiring corporation in a reorganization described in section 381(a)(2), the provisions of § 1.381(c)(23)-1 (relating to the carryover of unused investment credits) shall apply.

The proposed regulations provide that the limitation contained in section 382(a) shall apply to the carryover of the items listed in section 383 only in the case of a change in ownership occurring after December 10, 1971, pursuant to a contract entered into on or after September 29, 1971. For purposes of this rule only increases in stock ownership occurring after December 10, 1971, are counted in determining

whether a change in ownership has occurred. Similarly, the limitation contained in section 382(b) shall apply only with respect to reorganizations occurring after December 10, 1971, pursuant to a plan of reorganization or a contract entered into on or after September 29, 1971.

Proposed amendments to the regulations. In order to conform the Income Tax Regulations (26 CFR Part 1) to the provisions of section 302 of the Revenue Act of 1971 (85 Stat. 521), relating to limitations on carryovers of unused credits and capital losses, such regulations are amended as follows:

PARAGRAPH 1. The last sentence of paragraph (a) of § 1.381(a)–1 is revised to read as follows:

§ 1.381(a)–1 General rule relating to carryovers in certain corporate acquisitions.

(a) *Allowance of carryovers.* * * * These items shall be taken into account by the acquiring corporation subject to the conditions and limitations specified in sections 381, 382(b), and 383 and the regulations thereunder.

* * * * *

PAR. 2. There are added immediately after § 1.382(c)–1 the following new sections:

§ 1.383 Statutory provisions; special limitations on carryovers of unused investment credits, work incentive program credits, foreign taxes, and capital losses.

SEC. 383. *Special limitations on carryovers of unused investment credits, work incentive program credits, foreign taxes, and capital losses.* If,

(1) The ownership and business of a corporation are changed in the manner described in section 382(a)(1), or

(2) In the case of a reorganization specified in paragraph (2) of section 381(a), there is a change in ownership described in section 382(b)(1)(B), then the limitations provided in section 382 in such cases with respect to the carryover of net operating losses shall apply in the same manner, as provided under regulations prescribed by the Secretary or his delegate, with respect to any unused investment credit of the corporation which can otherwise be carried forward under section 46(b), to any unused work incentive program credit of the corporation which can otherwise be carried forward under section 50A(b), to any excess foreign taxes of the corporation which can otherwise be carried forward under section 904(d), and to any net capital loss of the corporation which can otherwise be carried forward under section 1212.

(Sec. 383 as added by sec. 302, Rev. Act 1971 (85 Stat. 521))

§ 1.383–1 Special limitations on carryovers of unused investment credits, work incentive program credits, foreign taxes, and capital losses.

Section 383 provides that if the ownership and business of a corporation are changed in the manner described in section 382(a)(1) or, in the case of a reorganization specified in section 381(a)(2), if there is a change in ownership described in section 382(b)(1)(B), then the limitations provided in section 382 in such cases with respect to the carryover of net operating losses shall apply in the same manner, as provided under regulations prescribed by the Secretary or his delegate, with respect to any unused investment credit of the corporation which can otherwise be carried forward under section 46(b), to any unused work incentive program credit of the corporation which can otherwise be carried forward under section 50A(b), to any unused foreign taxes of the corporation which can otherwise be carried forward under section 904(d), and to any net capital loss of the corporation which can otherwise be carried forward under section 1212. Sections 1.383–2 and 1.383–3 are prescribed pursuant to the authority granted the Secretary or his delegate by section 383 to prescribe regulations governing the manner in which the limitations provided in section 382 shall apply with respect to the above-mentioned items.

§ 1.383–2 Purchase of a corporation and change in its trade or business.

(a) *In general.* If the ownership and business of a corporation are changed in the manner described in section 382(a) and the regulations thereunder, then the limitation applicable in such cases to the carryover of the net operating losses of such corporation shall also apply to the carryover of the unused investment credits of such corporation which could otherwise be carried forward under section 46(b), the unused work incentive program credits of such corporation which could otherwise be carried forward under section 50A(b), the unused foreign taxes of such corporation which could otherwise be carried forward under section 904(d), and the net capital losses of such corporation which could otherwise be carried forward under section 1212. Thus, if the limitation provided in section 382(a) is applicable at the end of a corporation's taxable year, then all investment credit carryovers, all work incentive program credit carryovers, all unused foreign tax carryovers, and all capital loss carryovers from prior taxable years of such corporation are excluded in computing tax liability for such taxable year and for subsequent taxable years.

(b) *Effective date.* (1) The limitation provided in this section shall apply only with respect to changes in ownership occurring after December 10, 1971, pursuant to a contract entered into on or after September 29, 1971.

(2) For purposes of applying section 382(a) in determining whether the limitation provided in this section applies, the beginning of the taxable years specified in clauses (i) and (ii) of section 382(a)(1)(A) shall be the beginning of such taxable years or December 10, 1971, whichever occurs later. Thus, if X Corporation made its returns for 1971 and 1972 on the basis of the calendar year, then in determining whether section 382(a) would apply as of December 31, 1971, the beginning of the taxable years specified in clauses (i) and (ii) of section 382(a)(1)(A) would be December 10, 1971, and in determining whether section 382(a) would apply as of December 31, 1972, the beginning of the taxable year specified in clause (i) of section 382(a)(1)(A) would be January 1, 1972, and the beginning of the taxable year specified in clause (ii) of section 382(a)(1)(A) would be December 10, 1971.

§ 1.383–3 Change in ownership as the result of a reorganization.

(a) *In general.* (1) If, in the case of a reorganization specified in section 381(a)(2), (i) the transferor corporation or the acquiring corporation has an unused investment credit, an unused work incentive program credit, an unused foreign tax or a net capital loss which may be carried forward to the first taxable year of the acquiring corporation ending after the date of transfer, and (ii) as a result of the reorganization there is a change in ownership of such corporation within the meaning of section 382(b)(1)(B), then the limitation applicable in such cases to the carryover of the net operating losses of such corporation shall apply in the manner provided in this section to the carryover of any unused investment credits, any unused work incentive program credits, any unused foreign taxes, and any net capital losses of such corporation. Thus, if the limitation provided in section 382(b)(1) would apply in such a case to the net operating loss carryovers of a corporation (whether or not such corporation has any such carryovers), a similar limitation, computed with the modifications provided in this paragraph, shall apply to the investment credit carryovers, to the work incentive program credit carryovers, to the foreign tax carryovers, and to the capital loss carryovers of such corporation.

(2)(i) If there is a change in ownership of a corporation within the meaning of section 382(b)(1)(B), then the amount of the reduction provided in section 382(b)(1) shall be determined with respect to the total carryovers of such corporation from taxable years ending on or before the date of transfer which may otherwise be carried to the first taxable year of the acquiring corporation ending after such date. In such a case, for purposes of computing carryovers of the transferor and acquiring corporations from taxable years ending on or before the date of transfer to taxable years of the acquiring corporation ending after the date of transfer, the amount of the reduction shall be applied against the earliest carryover, whether a carryover of the transferor corporation or of the acquiring corporation, which may otherwise be carried to the acquiring corporation's first taxable year ending after the date of transfer, then against the next earliest carryover which may otherwise be carried to such first taxable year, etc. To the extent of the amount of the reduction, such carryovers shall be eliminated and shall not be included in computing the total carryover to the acquiring corporation's first taxable year ending after the date of transfer or to subsequent taxable years.

(ii) For purposes of this subparagraph, if the date of transfer is on a day other than the last day of a taxable year of the acquiring corporation, then the amount of the reduction shall be applied only against the carryovers of the transferor corporation or of the acquiring corporation which may be carried to the acquiring corporation's postacquisition part year under the principles of § 1.381(c)(23)–1(e) (relating to investment credit carryovers).

(iii) For purposes of this subparagraph, a carryover from a taxable year of the transferor corporation ending on or before the last day of a taxable year of the acquiring corporation shall be considered to be a carryover from a taxable year prior to such taxable year of the acquiring corporation.

(3) The provisions of paragraph (a)(2) of this section may be illustrated by the following example dealing with the carryover of unused investment credit:

Example. X Corporation and Y Corporation are organized on January 1, 1970, and each makes its return on the basis of the calendar year. On December 31, 1972, Y acquires the assets of X in a reorganization described in section 381(a)(2). Immediately after the reorganization, those persons who were stockholders of X immediately before the reorganization, as the result of owning stock of X, own 10 percent of the fair market value of the outstanding stock of Y, so that the investment credit carryovers of X as of the close of the date of transfer are reduced under section 382(b)(2) by 50 percent. The investment credit carryovers as of the close of the date of transfer of X Corporation and Y Corporation for taxable years 1970 through 1972 are as follows:

Investment credit carryovers from year(s) of origin

Taxable years	X Corporation (transferor)	Y Corporation (acquiring)
1970	$100	$100
1971	100	100
1972	500	200

For the first taxable year ending after the date of transfer, the acquiring corporation has an excess limitation of $500 (i.e., the excess of the limitation based on the amount of tax for such year over the amount of credit earned for such year). The computation of investment credit carryovers from prior taxable years of the transferor and acquiring corporations to the acquiring corporation's first taxable year ending after the date of transfer and to subsequent taxable years is as follows:

(i) The amount of the reduction computed under subparagraph (1) of this paragraph with respect to the investment credit carryovers from prior taxable years of X Corporation is $350 ($700 x 50%). One hundred dollars of such reduction is first applied against and eliminates X's $100 carryover from 1970; $100 of such reduction is applied against and eliminates Y's $100 carryover from 1970; $100 of such reduction is applied against and eliminates X's $100 carryover from 1971; the remaining $50 of such reduction is applied against Y's $100 carryover from 1971 and reduces such carryover to $50. After the reduction, the total carryover to the first taxable year of the acquiring corporation ending after the date of transfer is $750 (i.e., Y's $50 carryover from 1971, X's $500 carryover from 1972, and Y's $200 carryover from 1972).

(ii) Since the excess limitation for the acquiring corporation's first taxable year ending after the date of transfer is $500, Y's $50 carryover from 1971 and $450 of X's carryover from 1972 may be added to the amount of credit allowed by section 38 for such year. The total carryover to taxable years of the acquiring corporation subsequent to such first taxable year is $250 (i.e., the remainder of X's carryover from 1972, $50, plus Y's $200 carryover from 1972).

(b) *Special rules for foreign tax carryovers.* (1) The amount of unused foreign tax of a transferor corporation which may be carried to taxable years of the acquiring corporation ending after the date of transfer shall be determined under the principles of section 381(c)(23) and the regulations thereunder (relating to the carryover of unused investment credit). Thus, to determine the amount of such carryovers as of the close of the date of transfer, and to integrate them with any carryovers and carrybacks of the acquiring corporation for purposes of determining the amount of credit allowed by section 901 to the acquiring corporation for taxable years ending after the date of transfer, it is necessary to apply the provisions of section 904(d) in accordance with the principles of section 381(c)(23) and the regulations thereunder.

(2) If the limitation provided in section 382(d)(1) applies to the carryover of unused foreign taxes of a corporation, then for purposes of computing the amount of the reduction under paragraph (a) of this section, the following rules shall apply. If all of the unused foreign tax carryovers from prior taxable years of the corporation are of the same origin, the amount of the reduction shall be determined by applying the percentage computed under section 382(b)(2) to the total of such carryovers. If the unused foreign tax carryovers from prior taxable years of the corporation are not of the same origin, that is, where one or more carryovers originated in taxable years to which the per-country limitation applied and one or more carryovers originated in taxable years to which the overall limitation applied, or where, even though all the carryovers originated in per-country limitation years, all of such carryovers are not attributable to taxes paid or accrued to the same foreign country or possession of the United States, the amount of the reduction shall be determined separately with respect to carryovers of the same origin. That is, the percentage computed under section 382(b)(2) shall be applied separately to the total of the carryovers originating in overall limitation years and separately to the total of the carryovers attributable to taxes paid or accrued to each particular country or United States possession in per-country limitation years. Thus, if a corporation has (as of the close of the date of transfer) total unused foreign tax carryovers of $200 attributable to taxes paid or accrued to country X and total unused foreign tax carryovers of $150 attributable to taxes paid or accrued to country Y from one or more taxable years to which the per-country limitation applied, and also has total unused foreign tax carryovers of $100 from taxable years to which the overall limitation applied, and if the percentage computed under section 382(b)(2) is 50 percent, then the amount of reduction in carryovers attributable to taxes paid or accrued to country X is $100, the amount of reduction in carryovers attributable to taxes paid or accrued to country Y is $75, and the amount of reduction in carryovers from taxable years to which the overall limitation applied is $50.

(3) After having determined the reduction or reductions under subparagraph (2) of this paragraph, it is necessary, for purposes of computing unused foreign tax carryovers of the transferor and acquiring corporations from taxable years ending on or before the date of transfer to taxable years of the acquiring corporation ending after the date of transfer, to apply such reduction or reductions against the earliest carryover of the same origin, whether a carryover of the transferor corporation or of the acquiring corporation, which may otherwise be carried to the first taxable year of the acquiring corporation ending after the date of transfer, then against the next earliest carryover of the same origin which may otherwise be carried to such first taxable year, etc. To the extent of the amount of the reduction, such carryovers shall be eliminated and shall not be included in computing the total carryover to the acquiring corporation's first taxable year ending after the date of transfer or to subsequent taxable years.

(4) The provisions of subparagraphs (2) and (3) of this paragraph may be illustrated by the following example:

Example. T, a domestic corporation, and S, a domestic corporation, are organized on January 1, 1970, and each makes its return on the basis of the calender year. On December 31, 1972, S Corporation acquires the assets of T Corporation in a reorganization described in section 381(a)(2). Immediately after the reorganization, those persons who were stockholders of T Corporation immediately before the reorganization, as the result of owning stock of T, own 10 percent of the fair market value of the outstanding stock of S, so that T's foreign tax carryovers as of the close of the date of transfer are reduced by 50 percent. The unused foreign tax carryovers as of the close of the date of transfer of T Corporation and S Corporation for taxable years 1970 through 1972 are as follows:

Unused foreign tax carryovers from year(s) of Origin

Taxable year	T Corporation (transferor)	S Corporation (acquiring)
1970	Per country: Country X—50 Country Y—100 Country Z—100	Per country: Country X—100 Country Y—50
1971	Per country: Country X—150 Country Y—100	Overall: Aggregate—50
1972	Overall: Aggregate—200	Overall: Aggregate—100

For the first taxable year ending after the date of transfer, the acquiring corporation, which has elected the overall limitation, has an excess limitation of $200 (i.e., the excess of the limitation based on amount of tax for such year over the amount of credit earned

for such year). The computation of unused foreign tax carryovers from prior taxable years of the transferor and acquiring corporations to the acquiring corporation's first taxable year ending after the date of transfer and to subsequent taxable years is as follows:

(i) *Unused foreign tax carryovers attributable to country X.* The amount of the reduction computed under subparagraph (2) of this paragraph with respect to the total unused foreign tax carryovers from prior taxable years of T Corporation attributable to taxes paid or accrued to country X is $100 ($200 × 50%). Fifty dollars of such reduction is applied against and eliminates T's $50 carryover from 1970. The remaining $50 of such reduction is then applied against S's $100 carryover from 1970 and reduces such carryover to $50. After the reduction, the total carryover to the first taxable year of the acquiring corporation ending after the date of transfer attributable to taxes paid or accrued to country X is $200 (i.e., S's $50 carryover from 1970 and T's $150 carryover from 1971). Since the acquiring corporation has elected the overall limitation for its first taxable year ending after the date of transfer, the carryovers attributable to country X from per-country limitation years may not be applied in such first taxable year and the total $200 is carried to the next succeeding taxable year.

(ii) *Unused foreign tax carryovers attributable to country Y.* The amount of the reduction computed under subparagraph (2) of this paragraph with respect to the total unused foreign tax carryovers from prior taxable years of T Corporation attributable to taxes paid or accrued to country Y is $100 ($200 x 50%). The total $100 reduction is applied against and eliminates T's carryover from 1970. After the reduction, the total carryover to the first taxable year of the acquiring corporation ending after the date of transfer attributable to taxes paid or accrued to country Y is $150 (i.e., S's $50 carryover from 1970 and T's $100 carryover from 1971). Since the acquiring corporation has elected the overall limitation for its first taxable year ending after the date of transfer, the carryovers attributable to country Y from per-country limitation years may not be applied in such first taxable year and the total $150 is carried to the next succeeding taxable year.

(iii) *Unused foreign tax carryovers attributable to country Z.* The amount of reduction computed under subparagraph (2) of this paragraph with respect to the total unused foreign tax carryovers from prior taxable years of T Corporation attributable to taxes paid or accrued to country Z is $50 ($100 x 50%). The total $50 reduction is applied against T's $100 carryover from 1970 and thus reduces such carryover to the first taxable year of the acquiring corporation ending after the date of transfer to $50. Since the acquiring corporation has elected the overall limitation for its first taxable year ending after the date of transfer, the carryover attributable to country Z from the per-country limitation year may not be applied in such first taxable year and the total $50 is carried to the next succeeding taxable year.

(iv) *Unused foreign tax carryovers from overall limitation years.* The amount of the reduction computed under subparagraph (2) of this paragraph with respect to the total unused foreign tax carryovers from prior taxable years of T Corporation to which the overall limitation applied is $100 ($200 × 50%). Fifty dollars of such reduction is applied against and eliminates S's $50 carryover from 1971 and the remaining $50 of such reduction is applied against T's $200 carryover from 1972 and reduces such carryover to $150. After the reduction, the total carryover to the first taxable year of the acquiring corporation ending after the date of transfer attributable to taxes paid or accrued in taxable years to which the overall limitation applied is $250 (i.e., T's $150 carryover from 1972 and S's $100 carryover from 1972). Since for such first taxable year the acquiring corporation has an excess limitation of $200 with respect to carryovers arising in overall limitation years, T's $150 carryover from 1972 and $50 of S's $100 carryover from 1972 may be added to the amount of credit allowed by section 901 for such year. The total carryover to taxable years of the acquiring corporation subsequent to such first taxable year attributable to taxes paid or accrued in overall limitation years is $50 (i.e., the remainder of S's carryover from 1972, $50).

(c) *Effective date.* (1) The limitation provided in this section shall apply only with respect to reorganizations occurring after December 10, 1971, pursuant to a plan of reorganization or a contract entered into on or after September 29, 1971.

(2) For purposes of subparagraph (1) of this paragraph, a reorganization shall be considered to occur on the date of transfer as defined in section 381(b)(2) and § 1.381(b)-1(b).

(3) For purposes of subparagraph (1) of this paragraph, a plan of reorganization or a contract shall be considered to have been entered into on the date on which the duly authorized representatives of the transferor and acquiring corporations enter into an agreement evidencing the plan of reorganization, or on the date on which the plan of reorganization is adopted by the shareholders of the transferor and acquiring corporations, whichever occurs earlier.

PARAGRAPH 1. Section 1.305-3(b) is amended by adding a sentence in parenthesis immediately after the third sentence of subparagraph (3) to read as follows:

§ 1.305-3 Disproportionate distributions.

* * * * *

(b) *Special rules.* * * *

(3) * * * (Under section 305(d)(2), the payment of interest to a holder of a convertible debenture is treated as a distribution of property to a shareholder for purposes of section 305(b)(2).) * * *

* * * * *

§ 1.305-5 [Amended]

PAR. 2. Example (6) of § 1.305-5(d) is amended by deleting from the last sentence "call premium" and inserting in lieu thereof "call price".

[FR Doc.74-23698 Filed 10-15-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Proposed Marketing Percentages for the 1974-75 Marketing Year

Notice is hereby given of a proposal to establish free and surplus marketing percentages and withholding factors for the 1974-75 marketing year as follows: California—69 percent, 31 percent, and 44.9 percent, respectively; and Oregon-Washington—84.5 percent, 15.5 percent, and 18.3 percent, respectively. The 1974-75 marketing year began on August 1, 1974. The proposed percentages would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984; 39 FR 35327), regulating the handling of walnuts grown in California, Oregon, and Washington. The amended agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposed percentages were recommended by the Walnut Marketing Board pursuant to § 984.48 of the marketing agreement and order program. The Board's recommendation is based on estimates for the current marketing year of supply and inshell and shelled trade demands adjusted for handler carryover. The total 1974-75 supply subject to regulation is estimated at 122.7 million pounds kernelweight. Inshell and shelled demands adjusted for handler carryover are estimated at 24.7 and 59.5 million pounds kernelweight, respectively, or a total demand of 84.2 million pounds kernelweight. The free percentage for California is computed by dividing the total demand by the supply subject to regulation. In recognition of marketing and production differences, the order specifies that the surplus percentage for Oregon-Washington be one-half that for California.

The free percentages prescribe that portion of the total merchantable supply which may be handled in domestic markets. The surplus percentages prescribe that portion of the total supply subject to regulation which must be withheld as surplus and diverted to export, oil, livestock feed, or other outlets the Board finds to be noncompetitive with domestic markets.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 30, 1974. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours. (7 CFR 1.27(b)).

The proposal is as follows:

§ 984.221 Free and surplus percentages and withholding factors for walnuts during the 1974-75 marketing year.

The free and surplus percentages, and withholding factors during the marketing year beginning August 1, 1974, shall be as follows:

	California	Oregon-Washington
Free percentages	69	84.5
Surplus percentages	31	15.5
Withholding factors	44.9	18.3

Dated: October 8, 1974.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.74-23952 Filed 10-15-74;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1464]

CIGAR TOBACCO

Proposed Grade Loan Rates for Price Support on 1974-Crop Tobacco

Notice is hereby given that CCC is considering the grade loan rates to be applied in making price support available on 1974 crop cigar tobacco.

Consideration will be given to data, views, and recommendations pertaining to the loan rates set out in this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director on or before November 15, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Under the Tobacco Loan Program published June 6, 1974 (39 FR 20066), amended August 23, 1974 (39 FR 30477), CCC proposes to establish loan rates by grades for the 1974 crop Ohio filler tobacco, types 42–44, Connecticut Valley broadleaf tobacco, type 51, Connecticut Valley Havana seed tobacco, type 52, New York and Pennsylvania Havana seed tobacco, type 53, and Southern Wisconsin tobacco, type 54, Northern Wisconsin tobacco, type 55, and Puerto Rican tobacco, type 46, as set forth herein. These proposed rates, calculated to provide the level of support of 59.4 cents per pound for types 51–52, 44.6 cents per pound for type 46 and 42.9 cents per pound for types 42–44, 53–55, as determined under section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445), are as follows:

§ 1464.22 1974 Crop—Ohio Filler Tobacco, Types 42–44, Loan Schedule.[1]

(Dollars per hundred pounds, farm sales weight)

Grade	*Loan rate*
Crop run (stripped together):	
X1	44.00
X2	41.00
X3	38.00
X4	33.50
Nondescript: N	23.50

§ 1464.23 1974 Crop—Connecticut Valley Broadleaf Tobacco, Type 51 Loan Schedule.[2]

(Dollars per hundred pounds, farm sales weight)

Grade	*Loan rate*
Binders:	
B1	80.00
B2	72.00
B3	63.00
B4	52.00
B5	46.00
Non-Binders: X1	39.00

[1] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "S" (scrap) or designated, "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

§ 1464.24 1974 Crop—Connecticut Valley Havana Seed Tobacco, Type 52, Loan Schedule.[3]

(Dollars per hundred pounds, farm sales weight)

Grade	*Loan rate*
Binders:	
B1	75.00
B2	67.00
B3	60.00
B4	51.00
B5	46.00
Non-Binders: X1	39.00

§ 1464.25 1974 Crop—New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, Loan Schedule.[4]

(Dollars per hundred pounds, farm sales weight)

Grade	*Loan rate*
Crop-Run:	
X1	48.00
X2	43.50
X3	36.50
Farm Fillers:	
Y1	31.50
Y2	29.50
Y3	27.50
Nondescript:	
N1	29.00
N2	23.00

§ 1464.26 1974 Crop—Northern Wisconsin Tobacco, Type 55, Loan Schedule.[5]

(Dollars per hundred pounds, farm sales weight)

Grade	*Loan rate*
Binders:	
B1	66.00
B2	61.00
B3	55.00
Strippers:	
C1	50.00
C2	43.50
C3	34.00

(Dollars per hundred pounds, farm sales weight)

Grade	*Loan rate*
Crop run:	
X1	48.00
X2	43.00
X3	32.00
Farm Fillers:	
Y1	35.00
Y2	32.00
Y3	30.00
Nondescript:	
N1	28.00
N2	22.00

[2] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "N1" or "N2" (nondescript) or "S" (scrap), or designated "No-G" (no grade) The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

[3] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "N1" or "N2" (nondescript) or "S" (scrap), or designated "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

[4] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "S" (scrap) or designated, "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

§ 1464.27 1974 Crop—Puerto Rican Tobacco, Type 46, Loan Schedule.[6]

(Dollars per hundred pounds, farm sales weight)

Grade	*Loan rate*
Price block I (C1f and C1P)	50.00
Price block II (X1F, X1P, and X1S)	43.50
Price block III (X2T, X2F, X2P, and X2S)	34.50
Price block IV (N)	21.00

Signed at Washington, D.C. on October 8, 1974.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-24002 Filed 10-15-74;8:45 am]

[5] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "S" (scrap) or designated, "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

[6] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "S" (scrap) or designated, "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-EA-72]

TRANSITION AREA

Proposed Alteration and Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation regulations so as to alter the Westminster, Md., Transition Area (39 FR 611), and designate a Westminster, Md. (Clearview Airpark) Transition Area.

A new VOR instrument approach procedure has been developed for Clearview Airpark, Westminster, Md., predicated on the Westminster VORTAC and will require designation of a part-time Westminster, Md. (Clearview Airpark) Transition Area to provide controled airspace for aircraft executing the instrument approach procedure. It will also be necessary to revise the present Westminster, Md. Transition Area by amending the caption to read "Westminster, Md. (Westminster Airport)" to differentiate between the two.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration,

Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before November 15, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Westminster, Maryland, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation regulations so as to amend the Westminster, Md. Transition Area by deleting the caption "Westminster, Md." and inserting the caption "Westminster, Md. (Westminister Airport)" in lieu thereof.

2. Amend § 71.181 of Part 71, Federal Aviation regulations so as to designate a Westminster, Md. (Clearview Airpark) Transition Area as follows:

WESTMINSTER, MD. (CLEARVIEW AIRPARK)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 39°28'01" N., 77°01'06" W. of Clearview Airpark, Westminster, Md.; within a 5.5-mile radius of the center of the airport, extending clockwise from a 350° bearing to a 045° bearing from the airport and within 2.5 miles each side of the Westminster VORTAC 048° radial, extending from the 5-mile radius area to 6 miles northeast of the VORTAC. This Transition Area is effective from sunrise to sunset, daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on October 1, 1974.

L. J. CARDINALI,
Deputy Director, Eastern Region.

[FR Doc.74-23981 Filed 10-15-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-EA-70]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a Clearfield, Pa. Transition Area.

A new VOR instrument approach procedure has been developed for Clearfield-Lawrence Airport, Clearfield, Pa., and will require designation of a Clearfield, Pa. Transition Area to provide controlled airspace for aircraft executing the IFR arrival and departure procedures.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before November 15, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Clearfield, Pennsylvania, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 Federal Aviation Regulations by adding the following:

CLEARFIELD, PA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 41°02'57"N., 78°24'53" W., of Clearfield-Lawrence Airport, Clearfield, Pa., within a 10-mile radius of the center of the airport, extending clockwise from a 134° bearing to a 238° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 238° bearing to a 057° bearing from the airport.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on October 1, 1974.

L. J. CARDINALI,
Deputy Director, Eastern Region.

[FR Doc.74-23982 Filed 10-15-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74-30; Notice 2]

DOOR LOCKS AND DOOR RETENTION COMPONENTS

Extension of Comment Period

This notice extends until December 13, 1974, the period for comments to the notice, published August 14, 1974 (39 FR 29198), proposing clarification of the test procedure for longitudinal and transverse latch load tests.

The original comment closing date, as corrected (39 FR 30048), was October 14, 1974. This limited comment period was chosen because the proposed changes are relatively minor and the NHTSA anticipated little or no reaction to them.

Toyo Kogyo Co. (Mazda) requested an extension in order to be able to submit comments based on the results of its current testing program. The company stated that without completing this testing it could not know whether its latches would meet the standard under the proposed procedure, because its previous compliance testing did not incorporate the proposed clarifications. Because the proposed effective date of the amendments will have to be postponed if design changes are necessary to door latches now in production, the NHTSA has decided to extend the comment period for 60 days.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 501.8.)

Issued on October 9, 1974.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.74-23362 Filed 10-10-74;10:24 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 162]

[FRL 272-6]

PESTICIDE PROGRAMS

Proposed Registration, Reregistration, and Classification Procedures

Notice is hereby given that, pursuant to the authority of Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended by the Federal Environmental Pesticide Control Act of 1972 (FEPCA) (P.L. 92-516, 86 Stat. 973), the Administrator of the Environmental Protection Agency (EPA) proposes to amend 40 CFR Part 162. The proposed regulation shall read as set forth below. The intent of this proposed rulemaking is to revise present procedures for the registration of pesticides and establish procedures for the reregistration and classification of pesticides to conform with the provisions of FIFRA, as amended.

STATUTORY AUTHORITY

Section 3 of the amended FIFRA provides for the registration of all pesticides shipped in both intrastate and interstate commerce. It also provides, as a part of registration, for the classification of pesticide uses for either general or restricted use. Section 3 and the regulation implementing it are thus at the heart of the pesticide regulatory process. Section 3(c)(5) of FIFRA sets forth the following four factors which must be considered by the Agency before a pesticide product can be registered:

The Administrator shall register a pesticide if he determines that, when

considered with any restrictions imposed under subsection (d):

(A) Its composition is such as to warrant the proposed claims for it;

(B) Its labeling and other material required to be submitted comply with the requirements of this Act;

(C) It will perform its intended function without unreasonable adverse effects on the environment; and

(D) When used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment.

Section 3(c)(6) provides that if the Administrator determines that any of these requirements are not satisfied, the registration application will not be approved.

Section 3(d) also provides that a pesticide shall be classified for restricted use if its use without additional regulatory restriction "may cause unreasonable adverse effects on the environment", and may be limited to certified applicators or made "subject to such other restrictions as the Administrator may provide by regulation."

Section 4(c)(1) of FEPCA provides that the Administrator shall promulgate regulations for the registration and classification of pesticides under section 3 of the amended FIFRA by October 21, 1974. Section 4(c)(2) provides that "the Administrator shall register and reclassify pesticides registered" prior to October 21, 1974, under the regulations provided under section 4(c)(1) of FEPCA, by October 21, 1976. This means that the Agency is directed to apply its new registration and classification regulations to all currently registered products, numbering approximately 33,000. The Agency must register and classify each of the uses of these products, a task which involves the application of a number of criteria to each product. Although much of the data needed to support this application is already available, additional data must be generated by the applicant in a number of cases. Increasing this workload even further, section 3(a) of the amended FIFRA extends the requirement for Federal registration to intrastate products which previously were not required to be registered with this Agency. It is estimated that this extended jurisdiction will result in 10,000 to 15,000 new Federal registrations. The only exception from Federal registration for intrastate products is that provided by section 24(c) of the amended FIFRA, allowing State registration of pesticides to meet "special local needs" by States "certified by the Administrator as capable of exercising adequate controls to assure that such registration will be in accord with the purposes of the Act." These mandates have been addressed and provided for in the proposed regulation.

The proposed regulation that follows recites these statutory provisions and sets forth with specificity their intended application by the Agency in registering and classifying pesticides. Many of the provisions are currently in effect in the extant registration regulation (40 CFR 162). However, a number of other provisions represent either modifications of existing policies or the establishment of new policies responsive to the mandate of the amended FIFRA.

Environmental Considerations

Unlike other environmental contaminants, pesticides are deliberately introduced into the environment. Thus, the decision as to which pesticides are registered, that is to say, which can legally be used and for what purposes, is of critical importance.

There is a long history of pesticide registration under FIFRA. However, in the past only extreme options have been available: to register or deny registration, or to continue registration or cancel. Thus, a pesticide both beneficial for certain limited purposes and hazardous had either to be registered, thereby becoming generally available and potentially a menace to health and the environment, or to be denied registration altogether, thereby eliminating any potential benefit. The registration decision under amended FIFRA and this proposed regulation, however, is significantly more sophisticated. In addition to registration for general use with general availability, the possibility now exists for registration with restrictions appropriate to the nature and degree of hazard posed by a particular pesticide use.

Hazards associated with the use and misuse of pesticides can be divided into two categories: short-term hazards, including acute health effects and localized environmental effects, and long-term hazards, including potential chronic health effects, and diffuse environmental effects, i.e. those extending beyond the immediate site of application.

Short-term hazards are largely associated with improper handling and use of toxic pesticides by individual applicators. The appropriate mechanism to reduce hazard attributable to misue or carelessness would be restriction of specific pesticide uses to certified applicators or persons under their direct supervision. To be certified, applicators must demonstrate knowledge both of pesticide hazards and of the techniques and precautions necessary to avoid accident or injury.

If on the other hand the hazard is of a chronic or diffuse nature, as for example potential carcinogenicity or long-term reproductive impairment of nontarget species, greater control over the actual application of the pesticide would not necessarily reduce the risk. Such risk may well result not from misuse, but simply from the nature and characteristics of the pesticide, such as persistence or mobility in the environment, or a tendency to bioaccumulate in food chains. If potential adverse chronic or diffuse effects are demonstrated, the amended FIFRA allows for registration with other restrictions instead of, or in addition to, certified applicator restrictions. Such restrictions would be prescribed by regulation and would limit use of affected pesticides to only those circumstances and in only those quantities such that the benefits of their use would clearly exceed the associated risk.

The final option of refusal to register is still available when it is determined that appropriate terms and conditions of registration are not available that would allow use of a pesticide without its causing unreasonable adverse effects. This proposed regulation includes indices by which pesticides potentially posing such an unacceptable risk can be identified.

The net impact of this proposed regulation is a refinement of the decision process by which pesticides are registered and thereby allowed to be introduced into the environment. The proposed regulation reflects the mandate of amended FIFRA to register pesticide products under appropriate specific conditions and restrictions to assure that human health and the environment are not exposed to unreasonable risk.

Major Provisions of the Proposed Regulation

The significant new provisions of this proposed regulation are §§ 162.8 *Data in support of registration*, 162.11 *Unreasonable adverse effects*, 162.10 *Labeling requirements*, and 162.15 *Rules concerning certain pesticides*. These sections will be discussed in that order. The remaining sections of the proposed regulation are essentially a carryover from prior regulations and policies on pesticide registration. However, some changes have been made and a detailed reading of the proposed regulation is advised.

Determination of the degree of restriction appropriate for a pesticide is based on the evaluation of data submitted by the applicant for registration describing the pesticide's characteristics. Section 162.8 of the proposed regulation sets forth the basic data required to determine the registrability, classification, and required label statements of each product. Such data requirements cover the efficacy of the product, its general and environmental chemistry, and its human and environmental hazard potential. However, because of the many types of pesticides included under the jurisdiction of the amended FIFRA and the varying factors which are relevant to each, § 162.8 establishes only the basic data requirements applicable to all pesticides. The Registration Guidelines, required to be published by section (3)(c)(2) of the amended FIFRA, will specify in greater detail the data needed to support registration of various types of pesticides. Section 162.8(c) also specifies the additional data that will be required to support continued registration of currently registered products.

The amended FIFRA requires the Administrator to apply the statutory criterion of "unreasonable adverse effects on the environment" in several contexts, including the classification determination, the approval or denial of a registration application, and a decision to cancel or suspend a registered pesticide.

Section 2(bb) of the Act defines the term as meaning "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide." Yet, as is stated in the proposed regulation, even though the term is the same, in different regulatory contexts the threshold of "unreasonableness" will vary, as will the range and quantity of data considered and the emphasis placed on each element of the analysis. In other words, a finding of "unreasonableness" reflects the Administrator's determination that, in a specific regulatory context which defines the nature and quantum of relevant evidence, the likelihood of an unreasonable risk is present. In § 162.11 of the proposed regulation, the specific factors and criteria relevant to a determination of "unreasonable adverse effects" for individual pesticide uses are established.

Section 162.11 contains specific numerical acute toxicity criteria for indicating the appropriate degree of regulatory control over the potential acute hazard a pesticide poses to applicators, the general public, and environment. It also contains qualitative criteria for weighing chronic and diffuse effects. However, the use classification and ultimate registrability of a pesticide will not be determined solely by these criteria. Rather, these criteria will be used by the Agency and by industry as indices of a product's probable registration and classification status.

For example, products which meet the criteria for general use classification under § 162.11(c) will probably be classified for general use, but other evidence, such as history of widespread misuse or accidents might lead to a restricted use classification.

Conversely, a product identified by the appropriate criteria as a candidate for restricted use classification would not automatically be so restricted. Rather, the labeling of the product would be evaluated to determine if the hazard can be reduced by the label directions for use and precautionary statements and/or improved packaging. The proposed regulation in § 162.11(c)(3) established five factors which will be weighed in making this classification decision. The factors focus on the (1) complexity of the use directions, (2) severity of the effects if the directions are deviated from to a minor degree, (3) "widespread and commonly recognized" use practices which may nullify the directions, (4) need for specialized application or protective equipment, and (5) likelihood of adverse effects even if directions for use are fully complied with. This evaluation of labeling is of a judgmental character and leaves the Agency with a degree of discretion in making final classification decisions.

Paragraph (c) of § 162.11 establishes the detailed criteria and factors controlling the classification of product uses. Subparagraphs (1) and (2) of paragraph (c) set forth indices for new registrations and for currently registered products. The Agency has decided that wherever possible it will utilize existing product information in classifying currently registered products. Therefore the classification scheme contained in § 162.11(c)(2) will use the Categories of Toxicity which have already been assigned for currently registered products. While these indices are not as extensive as those contained in § 162.11(c)(1) for new registrations, the Agency can supplement the accuracy of Categories of Toxicity determinations through accident and use history records and relevant monitoring data.

However, accident and use history records are reliable indicators only of acute health effects and localized environmental effects. Because of the relative immediacy of these effects, the offending pesticide can be readily identified. Long-term adverse effects on both human health and the environment, on the other hand, are much more difficult to trace back to a particular pesticide. There may be an extensive delay between exposure and manifestation of effects, or the effects may only appear as a result of repeated, low-level exposure. In either case, the problem is made even more difficult by the great number of other environmental contaminants to which an organism can be exposed during the period before the appearance of observable effects.

Reliance upon use history records, therefore, cannot substitute for direct laboratory and field testing of potential long-term effects. For these reasons, the regulation spells out extensive chronic testing requirements for currently registered pesticides. Current registrations of pesticides for which additional long-term data are required will be extended for a sufficient time to allow development of such data.

Both subparagraphs (1) and (2) contain different criteria to be applied according to the intended use of the pesticide. The categories are domestic use, nondomestic use, and outdoor applications. Every use will, of course, be either domestic or nondomestic. In addition, domestic and nondomestic uses may also be intended for outdoor application and therefore may also be required to meet those criteria.

In § 162.11(b), the proposed regulation provides that there will arise a rebuttable presumption against new or continued registration of any pesticide with extremely high acute toxicity characteristics or which produces in laboratory or field situations any evidence of on cogenicity, teratogenicity, or multitest evidence of mutagenicity; or which can be expected to produce under use conditions serious subacute, chronic or delayed toxis effects from single or multiple exposures. As the paragraph states:

> Upon such a finding the party seeking new or continued registration of the pesticide product must sustain an additional affirmative burden of proof either that the risk is not so great as appears initially, or that such risk is outweighed by the economic, social, and environmental benefits of the use of the pesticide.

Once again the indices are not the final determinant of regulatory action, but in those cases where the potential risk is as high as is indicated by the criteria in Section 162.11(b), great care must be taken in reviewing arguments and data submitted to rebut such a presumption of unregistrability.

Section 162.10 of the proposed regulation discusses labeling requirements and serves two purposes. First, it implements the new labeling requirements of amended FIFRA concerning statements of use classification, producing establishment registration numbers, mandatory reentry intervals, and requirements for satisfactory disposal practices. Second, it attempts to improve the quality of labels in terms of communication to pesticide users by grouping required precautionary statements together and by imposing a minimum type size for all required text. More sweeping changes in labeling requirements, recommended by many participants in the recent National Pesticide Labeling Symposium, will be deferred until after the completion of the reregistration effort.

Finally, § 162.15, "Rules Concerning Certain Pesticides, is intended as an open-ended section to include regulations the Agency promulgates in the future affecting registration or classification of specific pesticides.

Intrastate Product Registration

Under the 1947 FIFRA, Federal registration of a pesticide product intended solely for intrastate commerce was not required. Section 3(a) of the amended FIFRA establishes Federal jurisdiction over intrastate products.

Registrants of products registered by States as of the effective date of these regulations will be required to submit within 60 days of that date, on forms provided by the Agency, for each affected product, notice of application for Federal registration (see § 162.16). This submission will include:

(1) The name and mailing address of the registrant

(2) The State in which the product is registered

(3) The State registration number of the product

(4) The product name

(5) A list of the product's active ingredients in descending order of concentration

(6) The type and broad use pattern of the product

(7) One complete copy of the labeling approved by the State.

Those registrants who submit such notice will then be notified by the Agency when to submit the full application statement for new registration, including required supporting data.

Registrants of products now registered by a State should not submit a full application statement for Federal registration until after final promulgation of regulations under Section 3. No final action is contemplated on applications for registration of such intrastate pesticides recently received or which may be

submitted prior to the issuance of these regulations.

A State may not issue registrations for new products after the effective date of these regulations except insofar as such registration is performed under a program approved under regulations promulgated under Section 24(c) of the FIFRA as amended. However, States may renew a registration provided that (1) the State registration was in effect on the effective date of section 3 regulations, and (2) the intrastate registrant has submitted a notice of application for Federal registration as prescribed above.

ENFORCEMENT POLICY

In accordance with section 4(d) of the Federal Environmental Pesticide Control Act of 1972, no person shall be subject to any criminal or civil penalty under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136 et seq.) for any violation occurring before the expiration of 60 days after the publication of effective regulations or such other action has been taken to permit compliance with the Act. Accordingly, the Agency has interpreted various provisions of FIFRA, as amended, as effective upon enactment (See, "Implementation Plan, Pesticide Control Act," 38 FR 1142 (January 9, 1973)). Additional provisions have been effectuated by the promulgation of regulations (e.g., Section 7, "Registration of Pesticide Producing Establishments, Submission of Pesticides Reports, and Labeling," (38 FR 30557 (November 6, 1973))). Certain provisions of FIFRA, as amended, such as the provisions dealing with product classification under section 3(d) will not become binding before October 21, 1976.

For purposes of enforcement during the phased implementation of Section 3 of FIFRA, as amended, the following interpretations of statutory enforcement authority will apply:

A. *Federally registered products for which classification and reregistration are sought.* After section 3 regulations are promulgated. Federally registered products for which classification and reregistration are sought shall be considered as validly registered, in accordance with section 4 of the 1947 FIFRA and its regulations, until such time as final action is taken upon their applications for classification and reregistration in accordance with provisions of section 3 of the FIFRA, as amended (See § 162.6 (e)). Pending final approval of the reregistration application, violations of registration requirements shall be charged in accordance with the 1947 FIFRA. Violations of other provisions of the FIFRA, as amended, which became effective upon enactment or have since been effectuated by regulation, and which are not dependent upon the Section 3 (amended FIFRA) registration requirements, shall be charged under the FIFRA, as amended. The provisions of Section 12 of amended FIFRA which are now in effect, and under which violations may be charged for Federally-registered products during the pendency of their applications for classification and reregistration under section 3 of the amended Act, include the following:

Sections 12(a)(1)(D), 12(a)(1)(E), in accordance with the definitions under sections 2(q)(1)(A), 2(q)(1)(B) (to be charged in accordance with existing regulations); 2(q)(1)(C), 2(q)(1)(D), 2(q)(1)(E), 2(q)(1)(F) and (G) (except as these relate to Section 3(d)); 2(q)(2)(A), 2(q)(2)(C) except (v); 2(q)(2)(D).

(NOTE: applicable sections under section 2q(2) will be charged in accordance with existing regulations)

Section 12(a)(1)(F) except insofar as it pertains to Section 25(c)(4), 12(a)(2)(A), 12(a)(2)(B), 12(a)(2)(C), 12(a)(2)(D), 12(a)(2)(G), 12(a)(2)(H), 12(a)(2)(I), 12(a)(2)(J), 12(a)(2)(K), 12(a)(2)(L), 12(a)(2)(M), 12(a)(2)(N), 12(a)(2)(O), 12(a)(2)(P).

B. *Products currently bearing only a valid State registration and for which Federal registration is sought.* Within sixty (60) days of the effective date of regulations pursuant to section 3 of FIFRA, as amended, registrants of products currently bearing only a valid State registration will be required to submit a notice of application for Federal registration of an intrastate product, as outlined in section 162.16 of the proposed regulations. Timely filing of this notice will satisfy those requirements of FIFRA, as amended, which can be satisfied only by Federal registration, and such sanctions of the Act as are related thereto. Failure to file the notice of application in timely fashion will subject the violator to liability for non-registration under FIFRA, as amended (Section 12(a)(1)(A)).

Provided the notice of application for Federal registration is filed in timely fashion, to the extent unlawful acts under section 12 of FIFRA, as amended, relate to Section 3 product registration requirements, these violations shall not be charged against solely State-registered products before such time as a Federal registration has been finally approved. Any violations of provisions of FIFRA, as amended, which are not dependent on the registration requirements of section 3 and which became effective upon enactment or have since been effectuated by regulation, shall be charged under section 12 of FIFRA, as amended. These shall include, in addition to section 12(a)(1)(A) as noted above, those charges enumerated under part A above.

C. *Products currently bearing no valid state registration.* Certain products currently being shipped solely within intrastate commerce and not bearing a State pesticide registration now come within the registration requirements of FIFRA, including for example certain sanitizers and disinfectant-type products. Such products will be treated in the same manner as new products which must seek initial registration. Any sale or other activity within the jurisdiction of FIFRA, as amended, involving such a product prior to final approval of the Federal registration application will subject the product to the applicable sanctions of the Act, including non-registration (Section 12(a)(1)(A)).

State registered products containing chemicals and bearing directions for use that have been the subject of denial or suspension actions by the Agency, or which have been cancelled for substantive causes, such as hazard to the environment or human health, or absence of tolerances under the Federal Food, Drug, and Cosmetic Act, will be in violation of the FIFRA registration requirements as of the effective date of the Section 3 regulations. However, this will not bar persons desiring to register such pesticides from applying to the Agency for new registration pursuant to Section 3 of the FIFRA, as amended, and the regulations thereunder.

REGISTRATION GUIDELINES

Section 3(c)(2) of the Act provides that the Administrator shall publish guidelines specifying the kinds of information which will be required to support the registration of a pesticide. In § 162.8 of these proposed regulations, references are made to the Guidelines as explanatory of the ways in which registration requirements are to be met. The data needed to evaluate different types of pesticides necessarily vary and, in the Guidelines, the Agency has delineated these varying requirements. The Agency is interested in receiving comments on the Guidelines; therefore, by October 7, 1974, the draft Guidelines will be available for review at the Environmental Protection Agency's Headquarters in Washington, D.C., and at the Regional Offices. A separate FEDERAL REGISTER notice will give further details. These Guidelines will be consistent with the section 3 regulations as proposed below. Any subsequent changes made to the regulations before they are finalized may, of course, result in corresponding changes to the Guidelines. The Agency intends within 30 days to issue these Guidelines as formal proposals for comment.

The need for a document such as the Guidelines has been recognized for years. Even before the FIFRA was amended, the Agency had decided to prepare such a document. As the Guidelines have been developed, several drafts have been made available to interested parties. Comments have been received from industry, user, and environmental groups. These comments have been carefully considered and have been incorporated where appropriate.

These Guidelines fulfill the statutory mandate to specify the kinds of information necessary to support registration of a pesticide. Pursuant to the Act, information is required on various product-use parameters, including efficacy and hazard. The significance and validity of such information depend on the test procedure employed to develop it. Accordingly, the Guidelines will include an Appendix describing test procedures which have been determined to be adequate to provide data satisfying registration requirements. This is a step which has

not been taken in the past with respect to Federal regulation of pesticides or other chemicals. However, the Agency feels that such guidance would be helpful to applicants by reducing the uncertainty associated with applications for registration and to the public by making generally known what information the Agency requires before a pesticide is registered.

In the course of preparing this Appendix, the Agency has actively sought the advice of such distinguished professional groups as the American Institute of Biological Sciences, the Association of Official Analytical Chemists, and the American Society for Testing and Materials. The test procedures for acute toxicity evaluation will be available as examples of adequate protocols, along with the Guidelines on October 7, 1974. Other sections, including procedures for evaluating subacute and chronic toxicological effects, will not be available for review and comment until later. These sections will describe test procedures which are considered satisfactory by the Agency; they will not prescribe registration requirements. The Agency recognizes that prospective registrants may be aware of other test procedures which are equally effective for particular purposes and that new ones will be developed in the future. It also recognizes that the tests described in the Appendix sometimes will not be well suited to the evaluation of particular products. The specific test procedures to be employed may be modified to equivalent methods which meet the intent and the reliability of those given in the Appendix.

DEVELOPMENT OF THE PROPOSALS

Throughout the development of this proposed regulation, the Agency has taken every opportunity to solicit public views and comments. Beginning with the January 9, 1973, FEDERAL REGISTER notice (38 FR 1142), the Agency stated that public comments on the form and content of the regulations were invited. Moreover, the Agency in the January 9, 1973, notice, set forth its "preliminary views" on the regulations, including registration. Shortly thereafter, the Agency held a number of informal public hearings on the classification and registration provisions under the amended FIFRA. Each of the views and comments received at these meetings was then considered in the development of an initial draft regulation.

As the numerous draft proposals have been developed by the Agency, they have been made available to all interested parties. Comments on the drafts have been received from State regulatory agencies, industry, trade association, environmental groups, other Federal agencies, and individual Congressmen. Further, representatives of the Office of Pesticide programs have discussed at length various proposals with representatives from each of these groups. The comments have been considered in evaluating the merits of each of the drafts and modifications have been made where appropriate.

Finally, after 2,000 copies of a complete draft regulation had been distributed, an informal public meeting was held in Washington, D.C. At this meeting, representatives of the Agency explained in detail the major provisions of the draft regulation and the rationale behind each provision. Individuals also were able to make formal statements, and submit written comments and questions on the draft.

Based on the views and comments received on the draft regulation, several changes have been made in the proposed regulation set forth below.

First, the names of inert ingredients will not be required to be listed on the label; rather, only those inert ingredients which the Administrator determines pose a hazard to man or the environment (see § 162.10(g)(7)). Second, specific data necessary to determine appropriate reentry intervals is required both for new registrations and currently registered products (see §§ 162.8(b)(4)(i)(D) and 162.8(c)(3)(v)). Third, while a pesticide for which some uses are classified for general use and others for restricted use must be labeled and marketed as distinct products with different registration numbers, separate brand names will not be mandatory (see § 162.10(j)(3)).

PUBLIC COMMENT

Interested persons are invited to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 421, East Tower, 401 M Street, S.W., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Environmental Protection Agency and others interested in inspecting the documents. The comments must be received within 30 days from the publication of this notice and should bear the identifying notation OPP-30002. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: October 4, 1974.

JOHN QUARLES,
Acting Administrator.

Sec.

§ 162.1 Scope.

This part provides regulations for the registration and classification of pesticides as required by the Federal Insecticide, Fungicide, and Rodenticide Act, as amended ("the Act"). In addition to these regulations, the Administrator shall publish Registration Guidelines pursuant to section 3(c)(2) of the Act specifying the kinds of information and data which will be required to support the registration, reregistration and classification of a pesticide and shall revise such guidelines from time to time.

§ 162.2 Principal statutory provisions.

(a) *General.* The principal statutory provisions of the Act relevant to registration, reregistration and classification of pesticides, are listed below for the convenience of the reader. Because many of the provisions are paraphrased, the appropriate sections of the Act itself rather than this section should be referred to for specific questions of statutory interpretation. Definitive legal interpretation must necessarily be based on the statute itself and provisions of substantive regulations implementing the statute, together with any judicial interpretations thereof.

(b) *Registration requirement.* Section 3(a) of the Act provides that, except as otherwise provided by the Act, no person in any State may distribute, sell, offer for sale, hold for sale, ship, deliver, deliver for shipment, or receive, and (having so received) deliver or offer to deliver to any person any pesticide which is not registered with the Agency. This requirement applies to pesticides which are produced and distributed solely within a State as well as to those moving in interstate commerce.

(c) *Classification.* (1) Section 3(d) of the Act provides that, as part of the registration of a pesticide, the Administrator shall classify the pesticide for general or for restricted use. The Administrator will classify the pesticide for general use if he determines that the pesticide, when applied in accordance with its directions for use, warnings and cautions, or in accordance with widespread and commonly recognized practice, will not generally cause unreasonable adverse effects on the environment. The Administrator will classify the pesticide for restricted use if he determines that without additional regulatory restrictions the pesticide, when applied in accordance with its directions for use, warnings and cautions, or in accordance with widespread and commonly recognized practice, may generally cause unreasonable adverse effects on the environment, including injury to the applicator. Such additional restrictions may include a requirement that the pesticide shall be applied only by or under the direct supervision of a certified applicator (see Section 4 of the Act and Part 171 of these regulations) or such other restrictions as may be provided by the Administrator by regulation.

(2) If the Administrator classifies a pesticide product, or one or more uses of

such product, for restricted use because of a determination that the acute dermal or inhalation toxicity of the product presents a hazard to the applicator or other persons, the product must be applied for such uses only by or under the direct supervision of a certified applicator.

(3) If the Administrator classifies a pesticide product, or one or more uses of such product, for restricted use because of a determination that its use without additional regulatory restriction may cause unreasonable adverse effects on the environment, the product must be applied for such uses only by or under the direct supervision of a certified applicator, or subject to such other restrictions as the Administrator may provide by regulation.

(d) *Approval of registration.* Section 3(c)(5) provides that the Administrator shall register a pesticide if he determines that, when considered with any restriction imposed under Section 3(d) concerning restricted use pesticides:

(1) Its composition is such as to warrant the proposed claims for it;

(2) Its labeling and other material required to be submitted comply with the requirements of the Act;

(3) It will perform its intended function without unreasonable adverse effects on the environment; and

(4) When used in accordance with widespread and commonly recognized practice, it will not generally cause unreasonable adverse effects on the environment.

(e) *Denial of registration.* Section 3(c)(6) of the Act provides that, if the Administrator determines that the requirements for registration have not been met, he shall so notify the applicant and allow the applicant thirty days to correct the conditions which have not been met. If the conditions are not corrected, the Administrator may refuse to register the pesticide. Upon publication of a notice of denial of registration, the applicant is accorded the same remedies with respect to an administrative hearing as are provided by Section 6 of the Act concerning cancellation and suspension.

(f) *Registration guidelines.* Section 3(c)(2) of the Act provides that the Administrator will publish guidelines specifying the kinds of information which will be required to support the registration of a pesticide. The guidelines are referred to in these regulations as the "Registration Guidelines."

(g) *Compensation for data.* Section 3(c)(1)(D) of the Act provides that data submitted in support of an application shall not, without the permission of the applicant, be considered by the Administrator in support of any other application for registration, unless such other applicant shall have first offered to pay reasonable compensation for producing the test data to be relied on, and such data is not protected from disclosure by section 10(b) of the Act. Section 3(c)(1)(D) provides for the resolution by the Administrator of disputes which may arise as to the amount and method of payment and for judicial review of that determination.

(h) *Protection of trade secrets and other information.* Section 10(a) of the Act provides that an applicant may mark and submit separately any data which in his opinion are trade secrets or commercial or financial information. Section 10(b) then provides that the Administrator shall not make public information which in his judgment contains or relates to trade secrets or commercial or financial information obtained from a person and privileged or confidential, except that, when necessary to carry out the provisions of the Act, information relating to formulas of products acquired by authorization of the Act may be revealed to any Federal agency consulted and may be revealed at a public hearing or in findings of fact issued by the Administrator. Section 10(c) provides for a 30-day waiting period which shall apply if the Administrator proposes to release information which the applicant or registrant believes to be protected from disclosure under section 10(b). During this period, the applicant or registrant may institute an action for a declaratory judgment in the appropriate court to determine whether such information is subject to protection under section 10(b).

(i) *Five-year cancellation.* Section 6(a)(1) of the Act provides that registrations shall be cancelled five years after the date of registration, unless the registrant requests the registration to be continued in effect. The Administrator has the authority to permit continued use and sale of existing stocks of a pesticide under specified conditions if he determines that such use or sale is not inconsistent with the purposes of the Act and will not have an unreasonable adverse effect on the environment.

(j) *Experimental use permits.* Section 5(a) of the Act provides that the Administrator may issue an experimental use permit if he determines that the applicant needs such a permit in order to accumulate information necessary to register a pesticide under Section 3 of the Act. Regulations for the issuance of experimental use perimts are set forth under Part 172 of these regulations.

(k) *Enforcement.* Sections 12, 13 and 14 of the Act provide generally for enforcement. Included among the provisions of these sections are the following:

(1) *Registration requirement.* Section 12(a)(1)(A) of the Act provides that it shall be unlawful for any person in any State to distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person any pesticide which is not registered under section 3 of the Act, except as provided in section 6(a)(1).

(2) *Misuse.* Section 12(a)(2)(G) provides that it shall be unlawful for any person to use any registered pesticide in a manner inconsistent with its labeling.

(3) *Requirements concerning restricted use pesticides.* Section 12(a)(2)(F) provides that it shall be unlawful to make available for use, or to use, any registered pesticide classified for restricted use for some or all purposes other than in accordance with section 3(d) and any regulation thereunder.

(l) *Definitions.* Section 2 of the Act (as well as Section 162.3 of these regulations below) sets forth a series of definitions which are applicable. Included are definitions of "certified applicator," "environment," "label and labeling," "misbranded," "pesticide" and "unreasonable adverse effects on the environment."

§ 162.3 Definitions.

Terms used in this part shall have the meanings set forth in the Act. In addition, as used in this part, the following terms shall have the meanings set forth below:

(a) The term "accident" means an unexpected, undesirable event caused by the use or presence of a pesticide that adversely affects man or the environment.

(b) The term "Act" means the Federal Insecticide, Fungicide and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1973 (Pub. L. 92-516, 86 Stat. 973), and other legislation supplementary thereto and amendatory thereof.

(c)(1) The term "active ingredient" means—

(i) In the case of a pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, attract, or mitigate any pest;

(ii) In the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the product thereof;

(iii) In the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant; and

(iv) In the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

(2) In determining whether an ingredient is active or inert, the Administrator shall consider the following factors:

(i) The ingredient's capability by itself, and when used as directed to cause effects described in paragraph (1) above;

(ii) The ingredient's presence in the product in sufficient amount to add materially to its effectiveness; and

(iii) The ingredient's influence on the activity of the principal active ingredient(s). The Agency may require an ingredient to be designated as an active ingredient if it sufficiently increases the effectiveness of the pesticide to warrant such action.

(d) The term "acute dermal LD_{50}" means a single dermally administered dose of a substance, expressed as milligrams per kilogram of body weight, that would be lethal to 50% of the test population of animals within a specified time period and under specified test conditions as prescribed in the Registration Guidelines.

(e) The term "acute LC_{50}" means a concentration of a substance, expressed

as parts per million parts of medium, that would be lethal to 50% of the test population of fish and avian species within a specified time period and under specified test conditions as prescribed in the Registration Guidelines.

(f) The term "acute oral LD_{50}" means a single orally administered dose of a substance, expressed as milligrams per kilogram of body weight, that would be lethal to 50 percent of the test population of animals within a specified time period and under specified test conditions as prescribed in the Registration Guidelines.

(g) The term "Administrator" means the Administrator of the Environmental Protection Agency, or any officer or employee of the Agency to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

(h) The term "Agency" means the United States Environmental Protection Agency (EPA), unless otherwise specified.

(i) The term "applicant" means a person who applies for a registration pursuant to section 3 of the Act.

(j) The term "degradation product" means a substance resulting from the transformation of a pesticide by physical, chemical, or electromagnetic means.

(k) The term "delayed reaction" means toxic manifestations that appear after a period of time following exposure to a substance or mixture of substances and includes, but is not limited to, mutagenesis, teratogenesis, oncogenesis, liver cirrhosis and demyelinization.

(l) The term "direct application" means application or use of a pesticide directed to the site, area, or object where the pest control is desired.

(l*) The term "domestic applications" means applications directly to humans or pets, or applications in, on or around all structures, vehicles or areas associated with the household or home life including but not limited to:

(1) Gardens, non-commercial greenhouses, yards, patios, houses, pleasure marine craft, mobile homes, campers and recreational vehicles, non-commercial campsites, home swimming pools and kennels;

(2) Articles, objects, devices or surfaces handled or contacted by humans or pets in all structures, vehicles or areas listed above.

(m) The term "drift" means movement of a pesticide during or after application or use through air to a site other than the intended site of application or use.

(n) The term "efficacy" means the capability of a pesticide product when used according to label directions to control or kill the target pest or induce the desired action in the target organism.

(o) The term "final printed labeling" means the printed label and the labeling which will appear on or will accompany the subject product.

(p) The term "front panel" means that portion of the label of a pesticide product that is ordinarily visible to the purchaser under the usual conditions of display for sale.

(q) The term "hazard" means the probability that a given pesticide will have an adverse effect on man or the environment in a given situation; the relative likelihood of danger or ill effect being dependent on a number of interrelated factors present at any given time.

(r) The term "inert ingredients" means all ingredients which are not active as defined herein and includes, but is not limited to, the following types of ingredients (except when they have pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; filters; wetting and spreading agents; propellents in aerosal dispensers; emulsifiers. The fact that these ingredients are necessary in the practical application of the pesticide does not make them active ingredients.

(s) The term "inhalation LC_{50}" means a concentration of a substance, expressed as milligrams per liter of air or parts per million parts of air, that would be lethal to 50% of the test population of animals within a specified time period and under specified test conditions as prescribed in the Registration Guidelines.

(t) The term "leach" means to undergo the process by which pesticides in the soil are washed into a lower layer of soil or are dissolved and carried away through soil by water.

(u) The term "metabolite" means any substance produced in or by living organisms by biological processes and derived from or induced by a pesticide.

(v) The term "move laterally (in soils)" means to undergo transfer through soil generally in a horizontal plane from the original site of application or use by physical, chemical, or biological means.

(w) The term "mutagenic" means the property of a substance or mixture of substances to induce genetic or somatic changes in subsequent generations.

(x) The term "no discernible effect" means no adverse effect observable within the limitations and sensitivity of available methods.

(y) The term "nontarget organisms" means those flora and fauna (including man) that are not intended to be controlled, injured, killed or detrimentally affected in any way by a pesticide.

(z) The term "oncogenic" means the property of a substance or a mixture of substances to produce or incite tumor formations in living tissue.

(aa) The term "outdoor applications" means any pesticide application or use that occurs outside enclosed man-made structures or the consequences of which extend beyond enclosed man-made structures, including pulp and paper mill water treatments and industrial cooling water treatments.

(bb) The term "pest" means (1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacterial organism or other microorganism (except viruses, bacteria, or other microorganisms on or in living man or other living animals) which the Administrator declares to be a pest under section 25(c)(1) of the Act and § 162.14 as being injurious to health or environment.

(cc) The term "pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, attracting, or mitigating any pest, and any substances or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

The following are examples of classes of pesticides:

Amphibian and reptile poisons or repellents
Antimicrobial agents
Attractants
Bird poisons or repellents
Defoliants
Desiccants
Fish poisons or repellents
Fungicides
Herbicides
Insecticides
Invertebrate animal poisons or repellents
Mammal poisons or repellents
Nematicides
Plant regulators
Rodenticides

(1) The term "amphibian and reptile poisons and repellents" includes all preparations intended for preventing, destroying, repelling, or mitigating amphibians and reptiles declared to be pests under § 162.14. Instruments for the purpose of repelling or otherwise preventing the concentration of amphibians or reptiles declared to be pests are considered to be devices under the Act.

(2) The term "antimicrobial agents" includes all preparations intended for destroying or mitigating any bacteria, pathogenic fungi, or viruses in any environment except those excluded in (ii) below.

(i) Antimicrobials include, but are not limited to:

(A) Products, such as disinfectants, intended for use on premises or other inanimate objects to eliminate infectious or other undesirable microorganisms,

(B) Products, such as sanitizers, intended to reduce the number of bacterial or viral microorganisms on inanimate surfaces, in water, or in air;

(C) Products, such as bacteriostats, intended to inhibit the growth of bacteria in the presence of moisture;

(D) Products, such as sterilizers, intended to destroy all living microorganisms on inanimate surfaces; and

(E) Products, such as fungicides and fungistats, intended for use on inanimate surfaces to destroy or to inhibit growth of fungi pathogenic to man and other animals; and

(F) Products intended to control microbiological slimes in industrial cooling water systems.

(ii) Products not considered antimicrobial agents include:

(A) Products intended for use in preventing or destroying fungi, bacteria, or

viruses on or in living man or other animals or in or on plants;

(B) Products intended for use in preventing or destroying fungi, bacteria, or viruses in or on processed food, beverages, or pharmaceuticals; and

(C) Products intended to control mold or mildew fungi on surfaces and inanimate objects.

(3) The term "attractant" includes any substance or mixture of substances such as pheromones, sensory stimulants, or synthetic attractants, but not naturally occurring foods, that are intended for or aid in the preventing, mitigating, or destroying of any pest species.

(4) The term "bird poisons or repellents" includes all preparations intended for preventing, destroying, repelling, or mitigating birds declared to be pests under § 162.14. Instruments for the purpose of repelling or otherwise preventing the concentration of undesirable birds, such as high-frequency sound generators and carbide cannons, are considered to be devices under the Act.

(5) The term "defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission; defoliants include, but are not limited to, products intended for use in causing leaves to drop from crop plants, such as cotton or soybeans, usually to facilitate harvest.

(6) The term "desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue, including, but not limited to, products intended for use in debarking trees and for accelerating the drying of crop plant parts, such as cotton leaves, potato vines and tobacco suckers.

(7) The term "fish poisons or repellents" includes all preparations intended for preventing, destroying, repelling, or mitigating fish declared to be pests under § 162.14 of this Part.

(8) The term "fungicide" includes all preparations intended for preventing, destroying, repelling, or mitigating any fungi, except those excluded in paragraph (cc) (i) (ii) of this section.

(i) Fungicides include, but are not limited to:

(A) Products intended for use as seed or plant treatments to destroy or prevent fungal or bacterial diseases;

(B) Products intended for use in inhibiting the growth of fungi on inanimate surfaces, in water, or in air, including those intended for control of mold and mildew on surfaces and inanimate objects; and

(C) Products intended for use as wood preservatives which repel or destroy organisms which cause decay or rot.

(ii) Products not considered to be fungicides include:

(A) Products intended for use in preventing or destroying fungi, bacteria or viruses on or in living man or other animals and those for use in or on processed food, beverages or pharmaceuticals; and

(B) Products intended for use in destroying or inhibiting the growth of pathogenic fungi which occur on surfaces or inanimate objects and which cause disease in living man or other animals.

(9) The term "herbicide" includes all preparations intended for use in preventing, destroying, repelling, or mitigating plants which grow where they are not wanted or weed plants declared to be pests. Herbicides include, but are not limited to:

(i) Products intended for use in killing, destroying, or mitigating weeds or weed parts by direct contact;

(ii) Products intended for use as soil treatments for destroying or preventing growth of weeds or weed parts including those which prevent the germination of weed seed;

(iii) Products intended for use in killing or preventing the growth of plant roots in drainage tiles and sewer lines; and

(iv) Products intended for use in killing or preventing the growth of algae or any other aquatic weed.

(10) The term "insecticide" includes all preparations intended for preventing, destroying, repelling, or mitigating any member of the Class Insecta, or other allied classes in the Phylum Arthropoda declared to be pests under Section 162.14 of this Part.

(11) The term "invertebrate animal poisons or repellents" includes all preparations except insecticides and nematicides intended for preventing, destroying, repelling, or mitigating aquatic or terrestrial invertebrates declared to be pests under Section 162.14 of this Part.

(i) Invertebrate animal poisons or repellants include, but are not limited to:

(A) Products intended for use on boat and ship bottoms, piers, docks, and other similar structures to prevent damage by invertebrate animals such as teredos; and

(B) Products intended for use in destroying or repelling slugs or snails.

(ii) Products, other than insecticides as defined under paragraph (10) above, intended for use in controlling or killing parasites on or in living man and other animals, are not considered to be pesticides under the Act.

(12) The term "mammal poisons or repellents" includes all preparations except rodenticides intended for preventing, destroying, repelling, or mitigating mammals declared to be pests under § 162.14.

(13) The term "nematicide" includes all preparations intended for preventing, destroying, repelling, or mitigating any members of the Class Nematoda of the Phylum Nemathelminthes.

(i) Nematicides include, but are not limited to:

(A) Products intended for use in controlling nematodes in soil and in or on plants or plant parts (including foliage, roots, stems, flowers and seeds);

(B) Products intended for use in controlling nematodes on inanimate surfaces; and

(C) Products intended for use as space fumigants to control nematodes in or on the commodities or articles being fumigated.

(ii) Products intended for use in controlling nematodes in or on living man or other animals are not considered to be pesticides under the Act.

(14) The term "plant regulators" includes, but is not limited to, products intended to cause fruit thinning, fruit setting, stem elongation stimulation or retardation, abscission inhibition, branch structure modification, flower induction, increased flowering, extended flowering periods, fruit ripening stimulation, physiological disease inhibition, rooting of cuttings, or dormancy induction or release.

(15) The term "rodenticide" includes all preparations intended for preventing, destroying, repelling, or mitigating animals belonging to the Order Rodentia of the Class Mammalia and closely related species declared to be pests under § 162.14. Rodenticides include, but are not limited to:

(i) Products intended for use as baits, tracking powders, or fumigants to kill or repel rodents; and

(ii) Products intended to repel rodents for use on plants, in premises, or on or in packaging or other materials such as food containers, plastic pipe, telephone cables, and building materials.

(dd) The term "pesticide formulation" means the substance or mixture of substances comprised of all active and inert (if any) ingredients of a pesticide product.

(ee) The term "pesticide product" means a pesticide offered as a commercial product, complete with active and inert (if any) ingredients in a formulation, in a container having a label and any labeling.

(ff) The term "propellent" means a gas or volatile liquid used in a pressurized pesticide product for the purpose of expelling the contents of the container.

(gg) The term "reentry" means the action of entering an area or site at, in, or on which a pesticide has been used.

(hh) The term "residue" means the active ingredient(s) and dissimilation products that can be detected in the crops, soil, water, or other component of the environment following the use of the pesticide.

(ii) The term "subacute dietary LC_{50}" means a concentration of a substance, expressed as parts per million in feed, that would be lethal to 50 percent of the test population of avian species within a specified time period and under specified test conditions as prescribed in the Registration Guidelines.

(jj) The term "teratogenic" means the property of a substance or mixture of substances to produce or incite functional deviations or developmental anomalies, ordinarily not hereditable, in or on an animal embryo or fetus.

(kk) The term "toxicity" means the property of a substance or mixture of substances to cause any adverse physiological effects.

(l) The term "acute toxicity" means the property of a substance or mixture of substances to cause adverse effects in an organism through a single exposure.

(2) The term "subacute toxicity" means the property of a substance or mixture of substances to cause adverse effects in an organism upon repeated exposure within 90 days of the initial exposure.

(3) The term "chronic toxicity" means the property of a substance or mixture of substances to cause adverse effects in an organism upon repeated exposure over a period exceeding 90 days.

(ll) The term "use" means any act of application, release of, or exposure to a pesticide to man or the environment including, but not limited to, required supervisory actions of persons in or near the area of the application, and required disposal and storage actions of pesticides and pesticide containers.

(mm) The term "use-dilution" means the concentration specified on a pesticide product label or labeling for a particular use or uses.

(nn) The term "volatility" means the property of a substance or substances to convert into vapor or gas without chemical change.

§ 162.4 Status of products as pesticides.

(a) *Determination of intent of use.* Whether a substance or mixture of substances is a pesticide under the Act depends on the purpose for which it is intended or represented. (See section 2(u) of the Act and Section 162.3(cc) of this Part.) Determination of intent in the marketing or distribution of these products is therefore of major importance. This determination will depend on the facts in the particular case which show the intended use of the product. Such intentions may be either expressed or implied. If a product is presented in a manner that results in its being used as a pesticide, it is deemed to be a pesticide for the purposes of the Act and these regulations.

(b) *Products considered to be pesticides.* Regardless of whether intended for use as packaged or after dilution or mixture with other substances such as water, kerosene, talc, clay, fertilizers, baits, or other carriers, solvents, diluents or propellents, a product will be considered to be a pesticide if:

(1) Claims or recommendations for use as a pesticide are made on the label or labeling of the product;

(2) Claims or recommendations for use as a pesticide are made in collateral advertising, such as publications, advertising literature which does not accompany the product, or advertisements by radio or television;

(3) Claims or recommendations for use as a pesticide are made verbally or in writing by representatives of the manufacturer, shipper, or distributor of the product;

(4) The product is intended for use as a pesticide after reformulation or repackaging; or

(5) The product is intended for use both as a pesticide and for other purposes. Such a product is subject to all provisions of the Act including section 2(q)(1)(A) under which a product is misbranded if its labeling bears any statement which is false or misleading concerning both pesticidal and nonpesticidal uses or in any other particular.

(c) *Products considered to be pesticides or drugs.* If the pesticide purports to be a drug (human or animal) or if its labeling contains any drug claims, the pesticide must comply with all the applicable requirements of the Federal Food, Drug, and Cosmetic Act, and the regulations thereunder, and be approved by the Food and Drug Administration before a registration will be issued. If the product falls within the meaning of sections 505 and 512 of the Federal Food, Drug, and Cosmetic Act, an approved new drug application may be required before marketing the product.

(d) *Products not considered pesticides.* The following types of products are not considered pesticides:

(1) Deodorizers, bleaching agents, and cleaning agents for which no pesticidal claims are made in connection with manufacture, sale or distribution;

(2) Paints and other formulated coatings which are treated with fungicides to protect the coating itself and which bear no claims for preventing or destroying fungi after application to any surface.

(3) Building material products per se, such as lumber, fiber boards, adhesives, and caulking material, which have been treated to protect the material itself against any pest and for which no pesticidal claims are made as to protection of other surfaces or objects in the manufacture, sale, or distribution of the product.

(4) Fabric products per se which have been treated to protect the fabric itself from insects, fungi, or any other pest and for which no pesticidal claims are made as to protection of other surfaces or objects in the manufacture, sale, or distribution of the product.

(5) Fertilizers and other plant nutrients per se; and

(6) Intermediate substances intended for the production of a pesticide chemical by chemical reaction with other substances.

§ 162.5 Pesticides exempt from registration requirements.

The following pesticides are exempt from the registration requirements of the Act:

(a) *Pesticides transferred between establishments.* A pesticide which is transferred from one registered establishment to another registered establishment, operated by the same producer, solely for packaging at the second establishment or for use as a constituent part of another pesticide produced at the second establishment;

(b) *Pesticides transferred under experimental use permits.* A pesticide being transferred for use pursuant to and in accordance with the requirements of an experimental use permit as provided by section 5 of the Act and Part 172 of these regulations;

(c) *Pesticides transferred for purposes of disposal.* A pesticide shipped solely for purposes of disposal, as provided by section 19 or other sections of the Act, Part 165 of these regulations, or applicable Administrator's Orders. However, all containers must be clearly marked that the pesticide is intended for disposal only;

(d) *Pesticides intended for export.* A pesticide product intended soley for export to any foreign country, when prepared or packaged according to the specifications or directions of the foreign purchaser; and

(e) *Pesticides granted an emergency exemption.* A pesticide being transferred for use by a Federal or State agency under the provisions of an emergency exemption, as provided by section 18 of the Act and Part 166 of these regulations.

§ 162.6 Registration procedures.

(a) *Applicant requirements* — (1) *Who may apply.* Any person who distributes, sells, offers for sale, holds for sale, ships, delivers for shipment, or receives and (having so received) delivers or offers to deliver to any person a pesticide, or for any other reason desires to register a pesticide, may apply for the registration of such pesticide.

(2) *Applicant and agent.* (i) An applicant may submit his own application, or

(ii) An applicant may appoint an agent to act on his behalf on registration matters, providing that a notarized letter of appointment signed by an authorized officer of the applicant's firm be submitted to the Agency. The agent's appointment may be revoked at any time by the same method.

(3) *Foreign applicant.* An applicant not residing in the United States must have an authorized representative residing in the United States to act on his behalf on all registration matters. The representative's name and complete mailing address, together with a notarized letter of appointment, must accompany the application or be on file with the Agency.

(4) *Address of record.* An applicant or registrant can have only one correspondence address of record to which all communications regarding registration may be directed. If more than one agent has been appointed by the firm, all correspondence will be directed to the last address of record for the applicant. Separate entity designations, such as Divisions or Departments of the same firm may, upon request, be assigned different company numbers.

(5) *Completeness of applications.* The applicant is responsible for the accuracy and completeness of all information submitted in connection with the application. The application form must be signed by the applicant or his authorized representative. When the Agency determines that an application is not sufficiently complete to allow a final

decision on approval or denial or registration, or that modifications are required for the labeling to comply with Section 162.10 of this Part, the Agency shall notify the applicant of the deficiencies and allow the applicant a reasonable time to resubmit the application with deficiencies corrected. Such resubmissions shall be made on forms provided by the Agency. A notification of submission deficiencies is not to be considered as denial of registration unless the notification states that it is a notice of denial of registration pursuant to section 3(c)(6) of the Act and § 162.7(d). In the event the applicant desires to have his application treated as having been denied, he may petition the Administrator for issuance of a notice of denial pursuant to § 162.7(d). In such case, the Administrator shall proceed to issue a notice as provided in § 162.7(d)(1) and shall thereafter proceed in accordance with § 162.7(d).

(b) *Application for new registration*—(1) *General.* A separate application must be made for each pesticide product. A pesticide product registration shall pertain to only one formulation, and variations in the formulation of a pesticide product will require separate registration except as provided by §§ 162.6(c) and 162.15(b), or under other circumstances at the option of the Administrator. The application shall be submitted as a complete package including all attachments or enclosures. Material submitted to the Agency in the past may be included in the application by reference. When the applicant is relying on supporting data other than his own, the provisions of § 162.9 shall apply.

(2) *Contents of application*—(i) *Application form.* Each application for the registration of a pesticide shall be submitted on forms provided by the Agency.

(ii) *Complete labeling.* Five complete, identical and legible copies of the proposed labeling, including all printed or graphic matter which is to accompany the pesticide at any time, must be furnished by the applicant. The labeling submitted must be in accordance with § 162.10.

(iii) *Supporting data.* The burden of proof is upon the applicant to substantiate all claims made for the pesticide and to demonstrate that it will perform its intended function without causing unreasonable adverse effects on the environment. The applicant shall submit supporting data as required by Section 162.8 of this Part and as specified in the Registration Guidelines.

(iv) *Complete formula.* A statement of the composition of the product, including the name and percentage by weight of each active and each inert ingredient, must be submitted on forms provided by the Agency. When requested by the Agency, the applicant shall state the purpose of each ingredient in the formulation. Applications for registration of pesticide products containing ingredients for which no added functional benefit can be established may be denied. The statement must be submitted in accordance with the requirements of Section 162.8 of this Part and the Registration Guidelines.

(v) *Manufacturing process, quality control procedures, and analytical methodology.* The applicant will furnish a complete description of the basic manufacturing process, the quality control procedures employed, and any analytical methods used in such procedures, when required by and in accordance with § 162.8 and the Registration Guidelines.

(vi) *Proposed classification.* The applicant shall include a request that each proposed use be classified for general use or restricted use as prescribed by Section 162.11 of this Part. The applicant shall include in this request specific reference to the supporting data and the subsection(s) and paragraph(s) of § 162.11 which he considers controlling.

(3) *Acknowledgment of receipt by agency.* The Agency will acknowledge receipt of each application and return to the applicant a notification of the date of receipt by the Agency.

(c) *Application for amended registration*—(1) *General.* Applications for amended registration shall be submitted:

(i) When changes are proposed in the labeling, including the addition of new uses, provided that such changes would not require a change in any use classification of the pesticide; or

(ii) When minor changes are proposed in the formulation of the pesticide, provided that no change would thereby be required in the label directions, required warning or caution statements, or the use classification of the pesticide.

(2) *Procedures.* Applications for amended registration shall be submitted on forms provided by the Agency and must be accompanied by:

(i) Two draft copies of the proposed revisions to previously approved labeling, with supporting data and other information as prescribed in the Registration Guidelines; and

(ii) Five copies of the complete final printed labeling in accordance with the requirements of § 162.10. However, final printed labeling need not be submitted until after proposed revisions to previously approved labeling have been provisionally approved by the Agency.

(3) *Disposition of application for amended registration.* Applications for amended registration will be processed in the same manner as other applications, as provided in Section 162.6(b) above and Section 162.7 of this Part. Approval of amended registration will not be granted until after approval of final printed labeling reflecting all proposed changes.

(4) *Shipment under revised labeling.* (i) Approval of amendments authorized shipment under such revised labeling for the remainder of the 5-year registration.

(ii) Unless specifically prohibited by the Administrator, the registrant may ship under the original label or any approved amended label at any time during the 5 years of the registration.

(5) *Additional brand names.* A registrant may request permission to market a single registered pesticide product under multiple brand names. Such amendments to allow additional brand names shall be approved under the following conditions:

(i) No changes may be made in the registered product or in its accepted labeling other than the substitution of brand names.

(ii) Additional brand name(s) proposed must not be misleading and must not include the name of a company or person not specified in the approved application for primary registration.

(d) *Application for supplemental registration of distributor brands.* Supplemental registration of distributor brands allows a distributor of a registered pesticide product to market that pesticide product under his own brand name without a separate registration.

(1) Conditions for Supplemental Registration of Distributor Products.

(i) The product must have the same composition as the primary registered pesticide.

(ii) The product must be manufactured and packaged by the same person who manufactures and packages the primary registered pesticide product.

(iii) The product labeling must bear the same claims as the primary product; provided, however, that specific claims may be deleted if by so doing no other changes are made necessary.

(iv) The product must remain in the manufacturer's unbroken container.

(v) The label must bear the registration number of the registered product.

(vi) The distributor's company number must appear as a suffix to the registration number.

(vii) Distributor products must bear the name and address of the distributor qualified by such terms as "packed for * * *"; "distributed by * * *"; or "sold by * * *" to show that the name is not that of the manufacturer.

(viii) All conditions of primary registration apply equally to supplemental registrations.

(2) *Procedures for supplemental registration of distributor products.* (i) Applications must be made on forms provided by the Agency.

(ii) Applications must be submitted by the primary registrant with proof of concurrence by the distributor.

(iii) Applications shall include the distributor's company number for each distributor proposed. If a registrant has a potential distributor to whom a company number has not been assigned, he should have the distributor apply, by letterhead, to the Agency for a company number.

(3) *Shipment of supplementally registered pesticides.* A pesticide shall not be shipped under a supplemental registration prior to Agency approval of the proposed distributor brand name(s).

(e) *Application for reregistration*—(1) *General.* Products or product uses registered by this Agency prior to October 21, 1974, are required by the Act

to be reregistered and classified. This section provides the rules for reregistration and classification of such pesticide products during the period October 21, 1974, through October 21, 1976.

(2) *Procedures.* All registrants will receive from this Agency a notice requesting a statement by the registrant on a form to be provided by the Agency as to whether the registrant desires to reregister a product. If the registrant states that no new registration is desired or if the registrant does not respond within sixty days of the date of receipt, the registration will be cancelled pursuant to Section 6(b)(1) of the Act. If the registrant desires to reregister the product he shall submit an application for reregistration on a form to be provided by the Agency. Such application will be acted upon as provided in this section.

(3) *Requirements.* The reregistration application shall contain the following information:

(i) The name and address of the applicant and of any other person whose name will appear on the labeling,

(ii) The name of the product and the EPA registration number,

(iii) The classification or classifications requested for the use(s) for which reregistration is requested pursuant to § 162.11,

(iv) Five copies of the proposed labeling for the pesticide product in conformance with the requirements of § 162.10,

(v) Supporting data as required by § 162.8(c),

(vi) Additional supporting data and other materials as specified by the Agency, and

(vii) Any additional factual information regarding adverse effects on the environment of the pesticide which has been obtained by the registrant and not previously submitted to the Agency including laboratory studies and accident experience.

(4) *Amendments during the two-year period.* Applications for amended registration of products subject to reregistration between October 21, 1974 and October 21, 1976 will be processed independent of reregistration unless they are included as a part of the reregistration application. However, amended registration of a product approved prior to reregistration of that product will be effective only for the period between approval of the amendment and reregistration of the product, and labeling revised for purposes of the amendment may require further revision prior to reregistration.

(f) *Notice of application*—(1) *Publication.* Promptly after receipt of an application for new or amended registration and the required supporting data, the Administrator shall publish in the FEDERAL REGISTER a notice of such application for registration if the pesticide contains any new active ingredient or if a changed use pattern is proposed. The notice shall include the company name and address, the name of the active ingredient(s) or the changed use pattern, and the proposed classification. The notice shall provide a period of 30 days in which any Federal agency or any other interested person may comment.

(2) *Consideration and availability of comments.*—Prior to making final determinations on the proposed application, consideration shall be given to written comments submitted as specified in the FEDERAL REGISTER notice. All comments must, in order to assure consideration, be received by the 30th day from publication in the FEDERAL REGISTER. Those comments received on the 31st day and after shall be considered only to the extent such consideration would not delay subsequent processing of the application. All written comments made pursuant to the notice shall be made available for public inspection.

§ 162.7 Disposition of applications.

(a) *General.* All applications for new registration, reregistration, amended registration, or supplemental registration, and all resubmissions of such applications, will be processed as described below.

(b) *Time for acting with respect to application.* The Agency shall review all application submissions and accompanying data as expeditiously as possible, normally within 90 days. Applications which require consultation with other Federal agencies may take longer.

(c) *Approval of registration*—(1) *Criteria for Approval.* The Administrator shall register a pesticide product or approve amended and supplemental registration if he determines that, when considered with any restrictions imposed through use classification as outlined in section 3(d) of the Act and Section 162.11 of these regulations:

(i) The composition is such as to be effective for all purposes (uses) set forth on the label (see §§ 162.8 and 162.10);

(ii) The product is not misbranded as defined in section 2(q) of the Act, and its labeling complies with the applicable requirements of the Act, § 162.10, and the Registration Guidelines;

(iii) The test data and other material required to be submitted with the registration application comply with the requirements of the Act, § 162.8 and the data requirements of the Registration Guidelines;

(iv) The pesticide will perform its intended function without unreasonable adverse effects on the environment and when used in accordance with widespread and commonly recognized practice will not generally cause unreasonable adverse effects on the environment. Further guidance and certain findings concerning what constitute unreasonable adverse effects on the environment are set forth in § 162.11; and

(v) A tolerance or exemption from the tolerance requirement has been obtained, as provided in Section 406, 408, or 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348) if the proposed labeling bears directions for use on food (including raw agricultural commodities, processed food, animal feed, and drinking water) or if the intended use of the pesticide results or may result, directly or indirectly, in residues of the pesticide becoming a component of food or otherwise affecting the characteristics of food.

(2) *Notice of approval.* The Administrator shall promptly publish in the FEDERAL REGISTER a notice of approval of the registration for any pesticide product as to which notice of application was published under § 162.6(f) concerning pesticides having a new active ingredient or a changed use pattern. Notice of registration will not be issued until final printed labeling has been approved by the Administrator.

(d) *Denial of registration*—(1) *Notification.* The Administrator shall deny registration if the pesticide product fails to meet any of the requirements of paragraph (c) of this section or if there is insufficient data to make the required determination. Promptly after making such a determination, he shall notify the applicant by certified letter of the denial of registration including the reasons and factual basis for the determination.

(2) *Opportunity for remedy by applicant.* Within 30 days, beginning the day after the date on which the applicant receives the notice, the applicant will be afforded the opportunity to remove the objection to registration by corrective action or other appropriate response. The applicant shall also have the opportunity to withdraw his application.

(3) *Federal Register publication.* If the applicant fails to take the action as provided in paragraph (d)(2) of this section, the Administrator shall promptly publish in the FEDERAL REGISTER a notice of denial of registration. Such notice shall set forth the reasons and factual basis for the denial and shall contain the name and address of the applicant, the product name, the name and percentage by weight of each active ingredient in the product, the proposed patterns of use, and the proposed classification.

(4) *Appeal rights.* Within 30 days following publication of the denial in the FEDERAL REGISTER, the applicant or any interested party with the written authorization of the applicant may request a hearing as provided for in section 6(b) of the Act and Part 164 of these regulations.

(e) *Disposition of material submitted in support of registration.* The test data and other information submitted in support of the registration shall become a part of the official file for that product. Except as provided by Section 10 of the Act, within 30 days after the registration of a pesticide, the data called for in the registration statement together with such other scientific information as the Administrator deems relevant to his decision shall be made available for public inspection at the Agency.

§ 162.8 Data in support of registration.

(a) *Submission.* The applicant shall submit test data and other information necessary to support all claims made for

the product and to establish that the product meets the requirements of Sections 162.7 and 162.11 of this Part. In submitting required data, the applicant may clearly mark any portions thereof which in his opinion are trade secrets or commercial or financitl information and submit such marked material separately from other material submitted with the application.

(b) *Data requirements for new registration*—(1) *General.* (i) The data required by paragraph (b) (2), (3), and (4) of this section shall be submitted according to the specifications of the Registration Guidelines. Sound experimental statistical design shall be utilized to support all test results. The Registration Guidelines also specify under what conditions additional data may be required and the technical nature of the tests required to support submitted data. Nothing included in or omitted from the Registration Guidelines shall, however, relieve the applicant of the responsibility to apply all relevant available knowledge in designing tests and evaluating results. Where the applicant believes that the Registration Guidelines are not applicable to a specific pesticide or product, he shall submit a written statement setting forth his reasons for arriving at such a conclusion and shall consult with the Agency to determine what data are necessary.

(ii) The Agency may, if necessary, periodically revise the requirements for information in support of the registration of a pesticide. Such revised requirements shall be published in the Registration Guidelines. If any additional information is required concerning previously registered pesticides, the Agency shall permit the registrant sufficient time to obtain such additional information.

(iii) The determination of whether a product is hazardous is based on the physical, chemical, and toxicological properties of the product itself and on the use to which the product is put. Testing of the mixture as it is to be marketed may therefore be necessary and required to support a registration.

(2) *Efficacy.* Data are required to substantiate efficacy claims made for the pesticide product. Evidence of product efficacy will be demonstrated through laboratory and/or, field-testing procedures which closely approach actual use(s). Actual test procedures will vary according to the characteristics of the chemical, the type of formulation, the target pest, the use patterns, and the methods and time of application. The following general data shall be submitted by the applicant as prescribed in the Registration Guidelines:

(i) Data to support the minimum effective dosage and dosage range.

(ii) Description of application techniques, including equipment used in application, method, timing and site of application.

(iii) Evaluation of the action of the product in preventing, destroying, repelling or mitigating a pest; accelerating or retarding the rate of growth or otherwise altering the behavior of plants; defoliating plants or artificially accelerating the drying of plant tissue; whichever is most applicable to the product and uses under considerations.

(iv) Evaluation of the chemical and physical compatibilities of components of formulated pesticides, including the compatibility of mixtures of pesticides with diluents, emulsifiers, fertilizers, solvents, spreaders and stickers, when such mixtures are recommended on the labeling.

(3) *General and environmental chemistry.* The applicant shall submit data relative to general and environmental chemistry as prescribed in the Registration Guidelines.

(i) The general chemistry data shall include:

(A) Information on the technical chemicals used as the active ingredients in the product, including:

(1) Complete composition of the technical chemical, including the names and percentages of impurities.

(2) Basic manufacturing process of the technical chemical,

(3) Purity of starting and intermediate materials used in the manufacturing process,

(4) Basic physical and chemical characteristics of the technical chemical or a purer form of the active ingredient, and

(5) Analytical methods for the principal component and impurities; and

(B) Information on the pesticide product, including:

(1) Complete composition, including the name and percentage of each ingredient, active or inert,

(2) Basic manufacturing process of the product,

(3) Storage stability over the expected shelf-life period, and

(4) Method of analysis for identifying and quantifying the active ingredients in the product.

(ii) The environmental chemistry data shall include:

(A) Information on the stability of the active ingredients, such as rate, type, and degree of degradation or metabolism in soils, water, water with suspended solids, bottom sediments, and on surfaces, including photodegradation effects; and

(B) Information on the persistence of the active ingredient and its important metabolites and degradation products, such as occurrence of those unextractable residues in soil termed "bound" residues, buildup of residues due to repeated applications, likelihood of residues in livestock drinking water or irrigation water that would result in accumulation in food or feed, and uses where residues from pesticide products would result in accumulation in fish; and

(C) Information on the movement of the active ingredient and its important metabolites and degradation products (when applicable), such as pattern of movement in flowing water, volatility, translocation in plants, leaching and lateral movement in soil, and pattern of movement during soil runoff conditions.

(D) Information in support of safe methods for the disposal of pesticides and pesticide containers.

(4) *Product hazard.* The applicant shall submit data which assess pesticide hazard to man and to the environment. Laboratory and field studies to support these data shall be conducted with both the active ingredient(s) and the specific pesticide formulation. When data on active ingredient(s) and formulation do not allow a satisfactory decision on product hazard, further studies may also be required for major metabolites, degradation and/or reaction products. The following data obtained through suitable animal tests shall be submitted by the applicant as prescribed in the Registration Guidelines.

(i) *Hazard to humans and domestic animals.* (A) Laboratory-scale acute effects data including oral, dermal, inhalation, and ocular exposure hazard;

(B) Sub-acute, chronic, and delayed effects data including potential mutagenic, teratogenic, oncogenic, metabolic hazards and chronic effects on the central nervous system, heematopoetic system, and histological changes in the liver, kidney and reproductive systems (male and female);

(C) Diagnostic and antidotal information; and

(D) Foliar residue and exposure data necessary to determine required intervals between pesticide use and safe reentry into treated areas and suggested precautionary statements based on such data.

(ii) *Environmental hazard.* Data on the hazard to fish and wildlife including mammalian toxicity, acute and subacute avian toxicity, acute aquatic organism toxicity, and subacute, delayed or chronic toxic effects.

(c) *Data requirements for reregistration*—(1) *General.* Unless additional data are requested by the Agency under paragraph (d) of this section, pesticide products subject to reregistration under § 162.6(e) shall be supported by the following data to determine their use classification(s) and re-registrability.

(2) *Acute toxicity data.* (i) The applicant shall submit toxicity data required to make the determination set forth in § 162.11(c)(2)(iii)(A), (B) and (C), unless the data have been previously submitted to the Agency or the product's patterns of use do not result in exposure to the indicated organisms.

(ii) Except as provided in (i) above, no additional acute toxicity data shall be required for reregistration and classification unless the Agency notifies the applicant that data in the product's registration file are inadequate to support the registration. If an applicant desires to have the product classified under the criteria of § 162.11(c)(1), the applicant shall submit the toxicity data required by that section. However, to be considered under § 162.11(c)(1), the Agency will require toxicity data determined by tests

conducted only with the formulated product. If the applicant has submitted previously such data, he shall so notify the Agency.

(3) *Subacute and chronic toxicity data.* For the purposes of reregistration and classification under §§162.6(e) and 162.11(c)(2), registrants of pesticide products which meet the criteria listed below shall be required to submit supportive data. Acceptable procedures for required studies are included in the Registration Guidelines. If such data have been previously submitted and meet the intent and reliability standards established in the Registration Guidelines, the registrant shall so notify the Agency and need not resubmit the required data.

(i) Teratogenic evaluation of the active ingredient(s) in a mammalian test system will be required if the pesticide use results in significant exposure to women in residences, enclosed working spaces, or their immediate vicinity.

(ii) Oncogenic evaluation of the active ingredient(s) will be required if (A) the active ingredient(s), its metabolite(s) or degradation product(s) contains within its structure a chemical moiety(ies) typically found in compounds which initiate oncogenesis in mammalian test systems, or (B) the pesticide needs a tolerance or an exemption from the requirement to obtain a tolerance (see § 162.7(c)(1)(v)).

(iii) If the active ingredient(s) of a product proves to be oncogenic in a mammalian test system at any level and if the product is used in residences, enclosed working spaces, or their immediate vicinity, a mutagenic evaluation will be required.

(iv) Chronic feeding studies will be required (A) for pesticides which need a tolerance or an exemption from the requirement to obtain a tolerance, or (B) for pesticides intended for use in residencies, working spaces, or their immediate vicinity. Such chronic feeding studies shall include studies of effects on the central nervous system, haematopoetic system; and histological changes in the liver, kidney and reproductive systems (male and female).

(v) Reproduction studies will be required for pesticides which need a tolerance or an exemption from the requirement to obtain a tolerance. Such reproduction studies shall consist of a three generation investigation.

(4) *Reentry and disposal data.* (i) Foliar residue and exposure studies will be required for cholinesterase-inhibiting pesticides. Such studies shall be designed to provide data sufficient to establish satisfactory precautions to protect persons reentering treated areas.

(ii) Information will be required in support of safe methods for the disposal of pesticides and pesticide containers.

(d) *Additional data.* The Agency shall periodically revise the information needed to support the registration of a pesticide. Such revisions of required information shall be contained in the Registration Guidelines. If any additional information is required on previously registered pesticides, the Agency shall permit sufficient time to obtain such additional information.

§ 162.9 Consideration of data in support of registration [Reserved]

§ 162.10 Labeling requirements.

(a) *General*—(1) *Contents of the label.* Every pesticide product shall bear a label containing the information specified by the Act and the regulations in this Part. The contents of a label must show clearly and prominently the following:

(i) The name, brand, or trademark under which the product is sold as prescribed in paragraph (b) of this section;

(ii) The name and address of the producer, registrant, or person for whom produced as prescribed in paragraph (c) of this section;

(iii) The net contents as prescribed in paragraph (d) of this section;

(iv) The product registration number as prescribed in paragraph (e) of this section;

(v) The producing establishment number as prescribed in paragraph (f) of this section;

(vi) An ingredient statement as prescribed in paragraph (g) of this section;

(vii) Warning or precautionary statements as prescribed in paragraph (h) of this section;

(viii) The directions for use as prescribed in paragraph (i) of this section; and

(ix) The use classification(s) as prescribed in paragraph (j) of this section.

(2) *Prominence and legibility.* (i) All words, statements, graphic representations, designs or other information required on the labeling by the Act or the regulations in this Part must be clearly legible to a person with normal vision, and must be placed with such conspicuousness (as compared with other words, statements, designs, or graphic matter on the labeling) and expressed in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(ii) All required label text must:

(A) Be set in 6-point or larger type;

(B) Appear on a clear contrasting background; and

(C) Not be obscured or crowded.

(3) *Language to be used.* All required label or labeling text shall appear in the English language; provided, however, the Agency may require or the applicant may propose additional text in other languages as is considered necessary to protect the public. All labeling requirements will be applied equally to both the English and other-language versions of the labeling, and the complete text must appear in both languages.

(4) *Placement of Label*—(i) *General.* The label shall appear on or be securely attached to the immediate container of the pesticide. If under customary conditions of distribution and sale the immediate retail container is enclosed within a wrapper or outside container through which the label cannot be clearly read, the label must also appear on such outside wrapper or container.

(ii) *Tank cars and other bulk containers.* The label for pesticides in tank cars or other bulk containers shall be attached to the panel borne by such cars and containers for the purpose of attaching notices. Where no such panel is present, it may be placed on any conspicuous part of the car or container.

(5) *False or misleading statements.* A pesticide or device [subject to definition under section 25(c)(4) of the Act] is misbranded if its labeling is false or misleading in any particular. Examples of statements or representations in the labeling which would constitute misbranding include the following:

(i) A false or misleading statement concerning the composition of the product.

(ii) A false or misleading statement concerning the effectiveness of the product as a pesticide or device.

(iii) A false or misleading statement about the value of the product for purposes other than as a pesticide or device.

(iv) A false or misleading comparison with other pesticides or devices.

(v) Any statement directly or indirectly implying that the pesticide or device is recommended or endorsed by any agency of the Federal Government.

(vi) The name of a pesticide which contains two or more principal active ingredients if it suggests the name of one or more but not all such principal active ingredients even though the names of the other ingredients are stated elsewhere in the labeling.

(vii) A true statement used in such a way as to give a false or misleading impression to the purchaser.

(viii) Label disclaimers which negate or detract from labeling statements required under the Act and these regulations.

(ix) Claims as to the safety of the pesticide or its ingredients, including statements such as "safe," "nonpoisonous," "noninjurious," "harmless" or "nontoxic to humans and pets" with or without such a qualifying phrase as "when used as directed."

(x) N-on-numerical and/or comparative statements on the toxicity of the product.

(6) *Final printed labeling.* (i) Except as provided in paragraph (a)(6)(ii) of this section, final printed labeling must be submitted and approved prior to registration. However, final printed labeling need not be submitted until draft label texts have been provisionally approved by the Agency.

(ii) Clearly legible reproductions or photo reductions will be accepted for unusual labels such as those silk-screened directly onto glass or metal containers or large bag or drum labels. Such reproductions must be of microfilm reproduction quality.

(b) *Name, brand or trademark.* (1) The name, brand or trademark under which the pesticide is sold shall appear on the front panel of the label.

(2) No name, brand or trademark may appear on the label which:

(i) Is false or misleading; or

(ii) Has not been approved by the Administrator through registration or supplemental registration as an additional name pursuant to § 162.6(d).

(c) *Name and address of producer, registrant, or person for whom produced.* An unqualified name and address given on the label shall be considered as the name and address of the producer. If the registrant's name appears on the label and the registrant is not the producer, or if the name of the person for whom the pesticide was produced appears on the label, it must be qualified by appropriate wording such as "Packed for * * *," "Distributed by * * *," or "Sold by * * *" to show that the name is not that of the producer.

(d) *Net weight or measure of contents.* (1) The net weight or measure of content shall be exclusive of wrappers or other materials and shall be the average content unless explicitly stated as a minimum quantity.

(2) If the product is a liquid, the net content statement shall be in terms of liquid measure at 68°F (20°C) and shall be expressed in conventional American units of fluid ounces, pints, quarts, and gallons.

(3) If the product is a solid, semi-solid, viscous, or a mixture of liquid and solid, the net content statement shall be in terms of weight expressed as avoirdupois pounds and ounces.

(4) In all cases, net content shall be stated in terms of the largest suitable units, i.e. "2 pounds" rather than "32 ounces."

(5) In addition to the required units specified, net content may be expressed in metric units.

(6) Variation above minimum content or around an average is permissible only to the extent that it represents deviation unavoidable in good manufacturing practice. Variation below a stated minimum is not permitted. In no case shall the average content of the packages in a shipment fall below the stated average content.

(e) *Product registration number.* The registration number assigned to the pesticide at the time of registration shall appear on the label, preceded by the phrase "EPA Registration No.," or the phrase "EPA Reg. No." The registration number shall be set in type of a size and style similar to other print on that part of the label on which it appears and shall run parallel to it. The registration number and the required identifying phrase shall not appear in such a manner as to suggest or imply recommendation or endorsement of the product by the Agency.

(f) *Establishment registration number.* The label or the immediate container shall bear the establishment registration number of the final establishment at which the product was produced, preceded by the phrase "EPA Est.". The establishment registration number may appear in any location on the label or immediate container; it must also appear on the wrapper of the package if there is one through which the EPA establishment registration number on the immediate container cannot be clearly read.

(g) *Ingredient statement*—(1) *General.* The label of each pesticide must bear a statement which contains the name and percentage by weight of each active ingredient, the total percentage by weight of all inert ingredients; and if the pesticide contains arsenic in any form, a statement of the percentages of total and water soluble arsenic calculated as elemental arsenic. The active ingredients must be designated by the term "active ingredients" and the inert ingredients by the term "inert ingredients," or the singular forms of these terms when appropriate. These terms shall be in the same type size, be aligned to the same margin and be equally prominent. The statement "Inert Ingredients, none" is not required for pesticides which contain 100 percent active ingredients. Unless the ingredient statement is a complete analysis of the pesticide, the term "analysis" shall not be used as a heading for the ingredient statement.

(2) *Position of ingredient statement.* (i) The ingredient statement is normally required on the front panel of the label. If there is an outside container or wrapper through which the ingredient statement cannot be clearly read, the ingredient statement must also appear on such outside container or wrapper. If the size or form of the package makes it impracticable to place the ingredient statement on the front panel of the label, permission may be granted for the ingredient statement to appear elsewhere.

(ii) The text of the ingredient statement must run parallel with other text on the panel on which it appears, but the required statement must be clearly distinguishable from and must not be placed in the body of other text.

(3) *Names to be used in ingredient statement.* The name used for each ingredient shall be the accepted common name, if there is one, followed by the chemical name. The common name may be used alone only if it is well known. If no common name has been established, the chemical name alone shall be used. In no case will the use of a trademark or proprietary name be permitted unless such name has been accepted as a common name as prescribed in the Registration Guidelines.

(4) *Statement of percentages.* The percentages of ingredients shall be stated in terms of weight-to-weight. The sum of percentages of the active and the inert ingredients shall be 100. Percentages shall not be expressed by a range of values such as "22–25%."

(5) *Accuracy of stated percentages.* The percentages given shall be as precise as possible reflecting good manufacturing practice. If there may be unavoidable variation between manufacturing batches, the value stated for each active ingredient shall be the lowest percentage which may be present.

(6) *Deterioration upon standing.* Pesticides which deteriorate significantly on standing must meet special labeling requirements:

(i) In cases where it is determined that a pesticide deteriorates significantly, the product must bear the following warning in a prominent position on the label:

This product is subject to deterioration. Not for sale or use after [----------].

(ii) The product must meet all label claims up to the end date stated on the label.

(7) *Inert ingredients.* The Administrator may require the name of any inert ingredient(s) in the ingredient statement if he determines that the ingredient(s) poses a hazard to man or the environment.

(h) *Warnings and precautionary statements.* Required warnings and precautionary statements concerning the general areas of toxicological hazard including hazard to children, environmental hazard, and physical or chemical hazard fall into two groups: those required on the front panel of the labeling and those which may appear elsewhere. Specific requirements concerning content, placement, type size, and prominence are outlined below.

(1) *Required front panel statements.* With the exception of the child hazard warning statement, the text required on the front panel of the label is determined by the Toxicity Category of the pesticide. The category is assigned on the basis of the highest hazard shown by any of the indicators in the table below:

TOXICITY CATEGORIES

Hazard indicators	I	II	III	IV
Oral LD_{50}	Up to and including 50 mg/kg.	From 50 through 500 mg/kg.	From 500 through 5,000 mg/kg.	Greater than 5,000 mg/kg.
Inhalation LC_{50}:				
(a) Dust or mist	Up to and including 2.0 mg/l.	From 2.0 through 20	From 20 through 200	Greater than 200.
(b) Gas or vapor	Up to and including 200 p/m.	From 200 through 2,000.	From 2,000 through 20,000.	Greater than 20,000.
Dermal LD_{50}	Up to and including 200 mg/kg.	From 200 through 2,000.	From 2,000 throuth 20,000.	Greater than 20,000.
Eye effects	Irreversible corneal opacity at 7 days.	Corneal opacity reversible within 7 days or irritation persisting for 7 days.	No corneal opacity irritation reversible within 7 days.	No irritation.
Skin irritation	Severe irritation or damage at 72 hours.	Moderate irritation at 72 hours.	Mild or slight irritation at 72 hours.	No irritation at 72 hours.

(i) *Human hazard signal word*—(A) *Toxicity Category I.* All products falling into Toxicity Category I shall bear the signal word "Danger." In addition, if the pesticide was assigned to Toxicity Category I on the basis of its oral, inhalation or dermal toxicity (as distinct from skin and eye effects), the word "Poison" shall appear in red on a background of distinctly contrasting color, and the skull and crossbones shall appear in immediate proximity to the word "poison."

(B) *Toxicity Category II.* All products falling into Toxicity Category II shall bear the signal word "Warning."

(C) *Toxicity Category III.* All products falling into Toxicity Category III shall bear the signal word "Caution."

(D) *Toxicity Category IV.* All products falling into Toxicity Category IV shall bear the signal word "Caution."

(E) *Use of signal words.* The use of the signal word(s) associated with the Toxicity Category into which the product falls is mandatory. Use of the signal word(s) associated with a higher Toxicity Category is not permitted except when in the opinion of the Agency such labeling is necessary to prevent unreasonable adverse effects on man or the environment. In no case shall more than one human hazard signal word appear on the front panel of a label.

(ii) *Child hazard warning.* Every pesticide label shall bear on the front panel the statement "Keep out of reach of children." Only in cases where the likelihood of contact with children during distribution, marketing, storage or use is demonstrated by the applicant to be extremely remote, or if the nature of the product is such that it is likely to be used on infants or small children without causing injury under any reasonably foreseeable conditions, may the Administrator waive this requirement.

(iii) *Statement of practical treatment*—(A) *Toxicity Category I.* A statement of practical treatment (first aid or other) shall appear on the front panel of the label of all pesticides falling into Toxicity Category I on the basis of oral, inhalation or dermal toxicity. The Agency may, however, permit reasonable variations in the placement of the statement of practical treatment if some reference such as "See statement of practical treatment on back panel" appears on the front panel near the word "Poison" and the skull and crossbones.

(B) *Other toxicity categories.* The statement of practical treatment is not required on the front panel except as described in (A) above. The applicant may, however, include such a front panel statement at his option. Statements of practical treatment are, however, required elsewhere on the label in accord with paragraph (h)(2) of this section if they do not appear on the front panel.

(iv) *Placement and prominence.* All the required front panel warning statements shall be grouped together on the label, and shall appear with sufficient prominence relative to other front panel text and graphic material to make them unlikely to be overlooked under customary conditions of purchase and use. The following table shows the minimum type size requirements for the front panel warning statements on various sizes of labels:

Size of label, front panel, in square inches	Required signal word, all capitals	"Keep out of Reach of Children"
	Points	*Points*
5 and under	6	6
Above 5 to 10	10	6
Above 10 to 15	12	8
Above 15 to 30	14	10
Over 30	18	12

(2) *Other required warnings and precautionary statements.* The warnings and precautionary statements as required below shall appear together on the label under the general heading "Precautionary Statements" and under appropriate subheadings of "Hazard to Humans and Domestic Animals", "Environmental Hazard" and "Physical or Chemical Hazard."

(i) *Hazard to humans and domestic animals.* (A) For each indicator of hazard included in the table of Toxicity Categories above, this section shall include a clear statement of the particular hazard and the route(s) of exposure and a statement of the precautions to be taken to avoid accident, injury or damage.

(B) The following table describes required statements. These statements may be modified to reflect specific hazards, and should be considered illustrative rather than definitive.

REQUIRED PRECAUTIONARY STATEMENTS BY TOXICITY CATEGORY

Toxicity category	Oral, inhalation, or dermal toxicity	Skin and eye irritation
I	Poisonous if swallowed (inhaled or absorbed through skin). Do not breathe vapor (dust or spray mist). Do not get in eyes, on skin, or on clothing. (Front panel statement of practical treatment required.)	Corrosive, causes eye and skin damage (or skin irritation). Do not get in eyes, on skin, or on clothing. Wear goggles or face shield and rubber gloves when handling. Harmful or fatal if swallowed. (Appropriate first aid statement required.)
II	May be fatal if swallowed (inhaled or absorbed through the skin). Do not breathe vapors (dust or spray mist). Do not get in eyes, on skin, or on clothing. (Appropriate first aid statement required.)	Causes eye (and skin) irritation. Do not get in eyes, on skin, or on clothing. Harmful if swallowed. (Appropriate first aid statement required.)
III	Harmful if swallowed (inhaled or absorbed through the skin). Avoid breathing vapors (dust or spray mist). Avoid contact with skin, eyes or clothing. (Appropriate first aid statement required.)	Avoid contact with skin, eyes, or clothing. In case of contact immediately flush eyes or skin with plenty of water. Get medical attention if irritation persists.
IV	(No caution statement required.)	(No caution statement required.)

(ii) *Environmental hazards.* Where a hazard exists to birds, fish, wildlife or pollinating insects, precautionary statements are required stating the nature of the hazard and the appropriate precautions to warn of potential accident, injury or damage to nontarget species or to the environment. Examples of such statements and the circumstances under which they are required to follow:

(A) If a pesticide for outdoor use has a mammalian acute oral LD_{50} of 100 mg/kg or less, the statement "Toxic to Wildlife" is required.

(B) If a pesticide for outdoor use has a fish acute LC_{50} of 1 ppm or less, the statement "Toxic to Fish" is required.

(C) If a pesticide for outdoor use has an avian acute oral LD_{50} of 100 mg/kg or less, or a subacute dietary LC_{50} of 500 ppm or less, the statement "Toxic to Birds" is required.

(D) If either accident history or field studies indicate any kill of birds or mammals resulting from use of the pesticide, the statement "Birds and other wildlife in treated areas may be killed" is required.

(E) For uses involving foliar application to agricultural crops, forests, or shade trees, or for mosquito abatement treatments, pesticides toxic to bees must bear appropriate label cautions.

(F) For all outdoor uses other than aquatic applications the label must bear the caution "Keep out of lakes, ponds or streams. Do not contaminate water by cleaning of equipment or disposal of wastes."

(iii) *Physical or chemical hazards.* Warnings concerning flammability, explosive or other physical hazard are required in accordance with the properties of the pesticide. Flammability precautions and the circumstances under which they are required are as follows:

(A) PRESSURIZED CONTAINERS

Characteristics	*Required text*
Flash point at or below 20°F; or if there is a flashback at any valve opening.	Danger: Extremely flammable. Contents under pressure. Keep away from fire, sparks and heated surfaces. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.
Flash point above 20°F and not over 80°F; or if the flame extension is more than 18 inches long at a distance of 6 inches from the flame.	Warning: Flammable. Contents under pressure: Keep away from heat, sparks, and open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.

Characteristics	*Required text*
All other pressurized containers	Warning: Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.

(B) NONPRESSURIZED CONTAINERS

Flash point	*Required text*
At or below 20°F	Danger: Extremely flammable. Keep away from fire, sparks, and heated surfaces.
Above 20°F and not over 80°F	Warning: Flammable. Keep away from heat and open flame.
Above 80°F and not over 150°F	Caution: Do not use or store near heat or open flame.

(i) *Directions for Use*—(1) *General requirements*—(i) *Adequacy and clarity of directions.* Directions for use must be stated in terms which can be easily read and understood by the average person likely to use or to supervise the use of the pesticide. When followed, directions must be adequate to protect the public from fraud and from personal injury and to prevent unreasonable adverse effects on the environment.

(ii) *Placement of directions for use.* Directions may appear on any portion of the label provided that they are conspicuous enough to be easily read by the user of the pesticide product. Directions for use may appear on printed or graphic matter which accompanies the pesticide, provided that:

(A) If required by the Agency, such printed or graphic matter is securely attached to each package of the pesticide, or placed within the outside wrapper or bag;

(B) The label bears a reference to the directions for use on accompanying leaflets or circulars, such as "See directions on the enclosed circular;" and

(C) In the opinion of the Administrator, it is not necessary for such directions to appear on the label.

(iii) *Exceptions to requirement for directions for use.* (A) Detailed directions for use may be omitted from labeling of pesticides which are intended for use only by manufacturers of products other than pesticides in their regular manufacturing processes, provided that:

(1) The label clearly shows that the product is intended for use only in manufacturing processes and specifies the type(s) of products involved;

(2) Adequate information such as technical data sheets or bulletins, is available to the trade specifying the type of pesticide involved and its proper use in manufacturing processes;

(3) The pesticide will not come into the hands of the general public except after incorporation into finished products; and

(4) In the opinion of the Administrator such directions are not necessary for the protection of health and the environment.

(B) Detailed directions for use may be omitted from the labeling of pesticides for which sale is limited to physicians, veterinarians, or druggists, provided that:

(1) The label clearly states that the product is for use only by physicians or veterinarians;

(2) In the opinion of the Administrator such directions are not necessary for the protection of health and the environment; and

(3) The product is also a drug and regulated under the provisions of the Federal Food, Drug and Cosmetic Act.

(C) Detailed directions for use may be omitted from the labeling of pesticides which are intended for use only by formulators in preparing pesticides for sale to the public, provided that:

(1) There is information readily available to the formulator on the composition, toxicity, methods of use, applicable restrictions or limitations, and effectiveness of the product for pesticide purposes;

(2) The label clearly states that the product is intended for use only in manufacturing, formulating, mixing, or repacking for use as pesticides and specifies the type(s) of pesticide involved;

(3) The pesticide as finally manufactured, formulated, mixed, or repackaged is registered; and

(4) In the opinion of the Administrator such directions are not necessary for the protection of health and the environment.

(2) *Contents of Directions for Use.* The directions for use shall include the following, under the heading "Directions for Use":

(i) The statement of use classification as prescribed in § 162.10(j) immediately under the heading "Directions for Use."

(ii) Immediately below the statement of use classification, the statement "It is a violation of Federal law to use this product in a manner inconsistent with its labeling."

(iii) The site(s) of application, as for example the crops, animals, areas, or objects to be treated.

(iv) The target pest(s) associated with each site.

(v) The dosage rate associated with each site and pest.

(vi) The method of application, including instructions for dilution, if required, and type(s) of application apparatus or equipment required.

(vii) The frequency and timing of applications necessary to obtain effective results without causing unreasonable adverse effects on the environment.

(viii) Specific limitations on reentry to areas where the pesticide has been applied, meeting the requirements concerning reentry provided by 40 CFR Part 170.

(ix) Specific directions concerning the storage and disposal of the pesticide and its container, meeting the requirements of 40 CFR Part 165.

(x) Any limitations or restrictions on use required to prevent unreasonable adverse effects, such as:

(A) Required intervals between application and harvest of food or feed crops.

(B) Rotational crop restrictions.

(C) Warnings as required against use on certain crops, animals, objects, or in or adjacent to certain areas.

(D) For restricted use pesticides, indicator of which use or uses are restricted to certified applicators or persons under their direct supervision.

(E) Other pertinent information which the Administrator determines to be necessary for the protection of health and the environment.

(j) *Use classification.* All pesticides must bear on the label a statement of the use classification assigned at the time of registration.

(1) *General use classification.* Pesticides classified for general use shall bear the following statement in the Directions for Use:

"General classification—available to the public."

(2) *Restricted use Classification.* Pesticides classified for restricted use shall bear the following statement, placed at the top of the front panel, set in type of the same minimum sizes as required for human hazard signal words (see table in § 162.10(h)(1)(iv)), and appearing with sufficient prominence relative to other text and graphic material on the front panel to make it unlikely to be overlooked under customary conditions of purchase and use:

(i) The statement: "Restricted Use Pesticide—For sale to and application only by Certified Pesticide Applicators or by persons under their direct supervision."

(ii) An additional statement when applicable designating the category or categories of certified applicator to whom use is restricted.

(3) *Separate labeling.* Any pesticide for which some uses are classified for general use and others for restricted use shall be separately labeled according to the labeling standards set forth above and shall be marketed as separate products with different registration numbers, one for general uses and the other for restricted uses.

(k) Advertising [Reserved].

§ 162.11 Unreasonable adverse effects.

(a) *General.* The Administrator is required to apply the statutory criterion of "unreasonable adverse effects on the environment" in several contexts: in determining whether to register a pesticide (see section 3(c)(5) of the Act); in determining whether a pesticide should be classified for restricted use or whether a change in classification is warranted (see section 3(d)(2) of the Act); in determining whether to issue a notice of intent to cancel a pesticide or to hold a hearing to determine whether a registration should be cancelled (see section

6(b) of the Act); and in determining whether a registration should be finally cancelled or subjected to modification or other requirement (see section 6(d) of the Act). The definition is the same in all cases: "* * * any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide." (See section 2(bb) of the Act.) Yet, in the differing regulatory contexts in which the Administrator is required to apply the statutory term "unreasonable adverse effects on the environment," the threshold of "unreasonableness' will vary, as will the range and quantity of data considered and the emphasis placed on each element of the analysis. The subsections which follow provide guidance to the public and to Agency employees as to how the Administrator will reach a judgment in each case.

(b) *Denial of registration or cancellation*—(1) *General presumption.* In the event certain risks are found to be posed by a pesticide as set forth in paragraph (b)(2) of this section, a rebuttable presumption shall arise that the product should not be registered, or that a registration already in effect should be cancelled. Upon such a finding the party seeking new or continued registration of the pesticide product must sustain an additional affirmative burden of proof either that the risk is not so great as appears initially, or that such risk is outweighed by the economic, social and environmental benefits of use of the pesticide. Data submitted in support of rebuttal arguments must conform to the requirements of the Registration Guidelines.

(2) *Indices of presumptive refusal to register*—(i) *Acute toxicity.* A rebuttable presumption shall arise against new or continued registration of a pesticide product which:

(A) Has an acute dermal LD_{50} of 40 mg/kg or less;

(B) Has an inhalation LC_{50} of 0.4 mg/liter or less if the product is composed of or produces a dust or mist;

(C) Has an inhalation of LC_{50} of 40 ppm or less if the product is composed of or produces gas or vapor;

(D) Has a use-dilution acute oral LD_{50} for mammals of 50 mg/kg or less if the product is intended for domestic application;

(E) Has an active ingredient(s) with an acute oral LD_{50} for mammals of 10 mg/kg or less;

(F) Has an active ingredient(s) which can occur as a residue in or on mammalian feed equivalent to the average daily intake yielding the acute oral LD_{50} or greater immediately following application;

(G) Has an active ingredient(s) which can occur as a residue in or on avian feed equivalent to the average daily intake yielding the subacute dietary LC_{50} or greater immediately following application; or

(H) Results in a maximum calculated concentration more than ½ the acute LC_{50} or greater for aquatic organisms following direct application to a 6-inch deep layer of water; or

(I) Has an ingredient(s) for which there is no known medical treatment to prevent fatality from exposure.

(ii) *Chronic Toxicity.* A rebuttable presumption against registration shall arise if the product ingredient(s), its metabolites, or degradation products:

(A) are found to produce in laboratory or field conditions, any oncogenic effects, teratogenic effects, or multitest evidence of mutagenic effects, or

(B) can be expected to produce under conditions of label use, other serious subacute, chronic or delayed toxic effects from single or multiple exposures.

(c) *Use classification*—(1) *Classification criteria for new registrations.* Except as provided in paragraph (c)(4) of this section, a specific use(s) of a pesticide product not previously registered shall be classified for general use if each of the applicable criteria set forth in paragraph (c)(1)(i)–(iii) of this section are met. Otherwise, the product use(s) shall be classified for restricted use unless a review of the labeling pursuant to paragraph (c)(3) of this section indicates that the product may be classified for general use. Each of the separate criteria as set forth below must be applied for the product use(s) unless the formulation, packaging, or method of use of the product will reasonably avoid the route of exposure. New data submitted to support classification must conform to the specifications of the Registration Guidelines.

(i) *Domestic applications.* A pesticide use(s) intended for domestic application will be classified for general use if the pesticide:

(A) Has an acute dermal LD_{50} greater than 1000 mg/kg in mammals;

(B) Has an inhalation LC_{50} greater than 5 mg/liter if the product is composed of or produces a dust or mist;

(C) Has an inhalation LC_{50} greater than 2000 ppm if the product is composed of or produces gas or vapor;

(D) Causes minor or no discernible effects on skin or eyes;

(E) Has a use dilution acute oral LD_{50} greater 500 mg/kg; and

(F) Causes, under conditions of label use, minor or no discernible subacute, chronic, or delayed effects from single or multiple exposures to the product ingredients, their metabolites, or degradation products.

(ii) *Nondomestic applications.* A pesticide use(s) intended for nondomestic application will be classified for general use if the pesticide

(A) Has an acute dermal LD_{50} greater than 100 mg/kg in mammals;

(B) Has an inhalation LC_{50} greater than 2 mg/liter if the product is composed of, or produces, dust or mist;

(C) Has an inhalation LC_{50} greater than 200 ppm if the product is composed of, or produces, gas or vapor;

(D) Causes minor or no discernible effect on skin or eyes; and

(E) Causes, under conditions of label use, minor or no discernible subacute, chronic, or delayed toxic effects from single or multiple exposures to the product ingredients, their metabolites, or degradation products.

(iii) *Outdoor applications.* A pesticide use(s) intended for outdoor application will be classified for general use if the pesticide:

(A) Has an active ingredient(s) which can occur as a residue in or on mammalian feed equivalent to the average daily intake yielding less than ⅕ the acute oral LD_{50} immediately following pesticide application;

(B) Has an active ingredient(s) which can occur as a residue in or on avian feed equivalent to the average daily intake yielding less than ⅕ the subacute dietary LC_{50} immediately following pesticide application;

(C) Results in a maximum calculated concentration less than 1/10 the acute LC_{50} for aquatic organisms immediately following direct application to a 6-inch deep layer of water.

(D) Causes, under conditions of label use, minor or no discernible adverse effects on the physiology, population levels or reproduction rates of non-target organisms, resulting from exposure to the product ingredients, their metabolites or degradation products, whether due to direct application or otherwise resulting from application, such as through volatilization, drift, leaching or lateral movement in soil.

(2) *Classification criteria for previously registered products.* All pesticide products registered by this Agency prior to October 21, 1974 have been assigned a Toxicity Category according to § 162.10 (h)(1). Unless the applicant for reregistration submits or has submitted the toxicity data on the product use(s) required in paragraph (c)(1) of this section, the existing Toxicity Category determinations shall be used in classifying the pesticide. A specific use(s) of a product shall be classified for general use if the applicable criteria set forth in paragraph (c)(2)(i)–(iii) of this section are met. Otherwise, the product shall be classified for restricted use unless a review of the labeling pursuant to paragraph (3) below indicates that the product may be classified as general use. Each of the separate criteria as set forth below must be applied for the product use(s) to be classified unless the formulation, packaging, or method of use of the product will reasonably avoid the route of exposure.

(i) *Domestic applications.* A pesticide use(s) intended for domestic use shall be classified for general use if the pesticide:

(A) Does not meet the criteria of Toxicity Category I or II; and

(B) Causes, under conditions of label use, minor or no discernible subacute, chronic, or delayed effects from single or multiple exposures to the product ingredients, their metabolites, or degradation products.

(ii) *Nondomestic applications.* A pesticide use(s) intended for nondomestic use

shall be classified for general use if the pesticide:

(A) Does not meet the criteria of Toxicity Category I; and

(B) Causes, under conditions of label use, minor or no discernible subacute, chronic, or delayed toxic effects from single or multiple exposures to the product ingredients, their metabolites, or degradation products.

(iii) *Outdoor applications.* A pesticide use(s) intended for outdoor application will be classified for general use if the pesticide:

(A) Has an active ingredient(s) which can occur as a residue in or on mammalian feed equivalent to the average daily intake yielding less than ⅕ the subacute dietary LC_{50} immediately following pesticide application;

(B) Has an active ingredient(s) which can occur as a residue in or on avian feed equivalent to the average daily intake yielding less than ⅕ the subacute dietary LS_{50} immediately following pesticide application;

(C) Results in a maximum calculated concentration less than $\frac{1}{10}$ the acute LC_{50} for aquatic organisms immediately following direct application to a 6-inch deep layer of water; and

(D) Causes, under conditions of label use, minor or no discernible adverse effects on the physiology, population levels or reproduction rates of nontarget organisms, resulting from exposure to the product ingredients, their metabolites or degradation products, whether due to direct application or otherwise resulting from application, such as through volatilization, drift, leaching or lateral movement in soil.

(3) *Adequacy of label and labeling.* The directions, warnings, and cautions for any product use(s) not meeting the criteria set forth in paragraphs (c) (1) and (2) of this section shall be further evaluated to determine the adequacy of the label or labeling to prevent unreasonable adverse effects on man or the environment according to the criteria set forth below. If these criteria are met, the labeling for the affected uses will be considered adequate to prevent unreasonable adverse effects on the environment without further regulatory restrictions, and the affected uses will be classified for general use. The criteria for determining labeling adequacy are as follows:

(i) To follow label directions, the user of a pesticide would not have to perform complex operations or procedures requiring specialized training and/or experience;

(ii) Failure to follow the use directions in any minor way would result in minor or no discernible adverse effects;

(iii) Widespread and commonly recognized use practices would not nullify label directions relative to prevention of unreasonable adverse effects on man and the environment;

(iv) The directions do not call for specialized apparatus, protective equipment or material unless they would be expected to be available to the general public;

(v) Following directions for use would result in minor or no discernible adverse effects of a delayed or indirect nature, such as through bioaccumulation, persistence, or pesticide movement from the original application site, on nontarget organisms.

(4) *Other Hazards.*—Any product use (or uses) which meets the general use criteria of paragraph (c) (1), (2), or (3) of this section shall nonetheless be classified for restricted use if the Agency determines that based on human toxicological data, use history accident data, monitoring data, or such other evidence as the Administrator identifies the product use (or uses) poses a serious hazard to man or the environment.

(5) *Other regulatory restrictions.* Any product use(s) classified for restricted use under the provisions above may be limited to application by or under the direct supervision of a certified applicator. The Administrator may additionally or alternatively impose other restrictions by regulation. Such regulatory restrictions may include but are not limited to seasonal or regional poundage limitations, limitation of use to approved pest management programs, or a requirement for monitoring after use. Such restrictions shall be utilized to reduce human health and environmental hazards associated with persistent bioaccumulative or mobile pesticides. Any such regulation shall be reviewable in the appropriate court of appeals upon petition of a person adversely affected filed within 60 days of the publication of such regulation in final form.

(d) *Change in classification from general to restricted use*—(1) *Determination and notification.* If the Administrator determines that a change in classification of any pesticide product use(s) from general to restricted use is necessary to prevent unreasonable adverse effects on the environment he shall, by certified mail, notify the registrant of such pesticide of such determination at least 30 days before reclassifying, and shall publish notice of the proposed reclassification in the FEDERAL REGISTER.

(2) *Appeal rights.* Within 30 days following publication of the notice in the FEDERAL REGISTER, the registrant, or a person adversely affected by the notice may request a hearing as provided for in section 6(b) of the Act and Part 164.

§ 162.12 Guaranty of pesticide.

(a) *By whom given; effect of guaranty.* Any producer, distributor, wholesaler, or other person residing in the United States may furnish to any person to whom he sells a pesticide a guaranty that the pesticide was lawfully registered at the time of sale and delivery to such person, and that the pesticide complies with all the requirements of the Act and the regulations in this part. Section 12(b)(1) of the Act provides that penalties for violation of Section 12(a)(1) of the Act shall not apply to a person who establishes that he has received a guaranty as specified under the Act and these regulations, and that in such case the guarantor shall be subject to the penalty provisions.

(b) *Reference to guaranty.* No reference to a guaranty or suggestion that such a guaranty has been given shall be made in the labeling of any pesticide.

(c) *Contents of guaranty.* In order to afford effective protection, each guaranty must: Be signed by and contain the name and address of the registrant or person residing in the United States from whom the pesticide in the same unbroken package was purchased or received in good faith; and state that the pesticide was lawfully registered at the time of sale and delivery and that it complies with the other requirements of the Act.

(d) *Scope of guaranty.* A guaranty may be limited to a specific shipment or other delivery of a product, in which case it may be a part of or attached to the invoice or bill of sale covering such shipment of delivery; or it may be general and continuing, in which case, in its application to any shipment or other delivery of a product, it shall be considered to have been given at the date when such product was shipped or delivered by the person giving the guaranty.

(e) *Expiration of guaranty.* Any guaranty shall expire when the product is repacked or relabeled by the purchaser or when it becomes in violation of the Act or the regulations in this part after shipment or other delivery by the person giving the guaranty.

(f) *Forms of guaranty.* The following are suggested forms of guaranty:

(1) Limited form for use on invoice or bill of sale: _____ hereby
(Name of guarantor)
guarantees that the pesticide herein listed is lawfully registered with the Environmental Protection Agency and that it complies with all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

_____
(Signature and post office address of guarantor)

_____
(Date)

(2) General and continuing form:

The pesticides comprising each shipment or other delivery hereafter made by _____ (Name of _____, to or on the order of _____ guarantor) (Name and _____ are address of person receiving guarantee) hereby guaranteed to be lawfully registered with the Environmental Protection Agency and to comply with all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act, as of the date of such shipment or delivery.

_____
(Signature and post office address of guarantor)

_____
(Date)

§ 162.13 Coloration and discoloration.

Section 25(c)(5) of the Act authorizes the Administrator to prescribe regulations requiring coloration or discoloration of any pesticide if he determines

that such requirement is feasible and necessary for the protection of health and the environment. White pesticides hereinafter named and white products containing a substantial quantity of these pesticides shall be colored or discolored in accordance with this section. The Agency shall use the Munsell Book of Color as a color standard.

(a) *Coloring Agent.* The coloring agent must produce a uniformly colored product not subject to change beyond the minimum requirements specified in the regulations in this part during ordinary conditions of marketing or storage and must not cause the product to be ineffective or result in its causing damage when used as directed.

(b) *Arsenicals and barium fluosilicate.* Standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, and barium fluosilicate shall be colored any hue, except the yellow-reds and yellows, having a value of not more than 8 and a chroma of not less than 4, or shall be discolored to a neutral lightness value not over 7.

(c) *Sodium fluoride and sodium fluosilicate.* Sodium fluoride and sodium fluosilicate shall be colored blue or green having a value of not more than 2 and a chroma of not less than 4, or shall be discolored to a neutral lightness value not over 7.

(d) *Exceptions.* (1) Notwithstanding the provisions of paragraphs (b) and (c) of this section, the Administrator, after opportunity for hearing, may permit other hues to be used for any particular purpose if he determines that use of the prescribed hues is not feasible for such purpose and is not necessary for the protection of health and the environment.

(2) Any pesticide specified in this part which is intended solely for use by a textile manufacturer or commercial laundry, cleaner or dryer as mothproofing agent, and which would not be suitable for such use if colored and which will not come into the hands of the public except when incorporated into a fabric, may be exempted by the Administrator from the requirements of section 25(c)(5) of the Act and the requirements of this section.

(3) The pesticide sodium fluoride shall be exempt from the requirements of the Act and paragraph (c) of this section when;

(i) It is intended for use as a fungicide solely in the manufacture or processing of rubber, glue, or leather goods;

(ii) Coloration of the pesticide in accordance with said requirements will be likely to impart objectionable color characteristics to the finished goods;

(iii) The pesticide will not be present in such finished goods in sufficient quantities to cause injury to any person; and

(iv) The pesticide will not come into the hands of the public except after incorporation into such finished goods.

§ 162.14 Forms of plant and animal life and viruses declared to be pests.

(a) *General.* Section 25(c)(1) of the Act provides that the Administrator may declare a pest any form of plant or animal life (other than man and other than bacteria, viruses, and other microorganisms on or in living man or other living animals) which is injurious to health or the environment.

(b) *Pests declared.* Each of the following forms of plant and animal life and viruses is declared to be a pest under the authority of paragraph (b)(1) of this section:

(1) Any member of the Class Insecta, or other allied classes in the Phylum Arthropoda, including, but not limited to, beetles, bugs, bees, flies, spiders, mites, ticks, antipedes, or woodlice, in any environment whatsoever, including on or in living man or other animals;

(2) Mammals, including, but not limited to, dogs, cats, moles, bats, wild carnivores, armadillos, deer, rats, mice, gophers, porcupines, rabbits, and hares;

(3) Birds, including, but not limited to, starlings, English sparrows, crows, and blackbirds;

(4) Fishes, including, but not limited to, the jawless fishes such as the sea lamprey, the cartilaginous fishes such as the sharks, and the bony fishes such as the carp;

(5) Amphibians and reptiles, including, but not limited to, poisonous snakes;

(6) Aquatic and terrestrial invertebrates, including, but not limited to, slugs, snails, and crayfish;

(7) Roots and other plant parts growing where not wanted;

(8) Viruses, other than those on or in living man or other animals.

§ 162.15 Rules concerning certain pesticides.

(a) *Labeling of phosphorus paste products.* Labeling of pesticides submitted in connection with registration under the Act bearing directions for use of products containing phosphorus paste in or around the home is not acceptable.

(b) *Exemption from requirement of separate registration*—(1) *Exemption for fertilizer-pesticide combinations.* At the option of the Administrator, fertilizer-pesticide combinations, in which the amount of fertilizer to be applied or percentage of fertilizer components varies and the application rate of the pesticide remains constant, may be registered as a single pesticide provided that the range proposed would not require modification in the precautionary labeling.

(2) *Exemption for paint-pesticide mixtures.* At the option of the Administrator, paint-pesticide combinations in which the only variation is in the type or color of the pigment may be registered as a single pesticide. The specific formulations must be submitted, and the colors may be specified as additional brand names.

§ 162.16 Registration requirement for intrastate products.

(a) *General.* Products currently registered under State pesticide registration laws and shipped or distributed for sale solely within intrastate commerce must be registered under the provisions of the Act and these regulations, unless registered pursuant to section 24(c) of the Act and the regulations promulgated thereunder. Within 60 days of the final promulgation of this Part, each registrant of a product registered solely under State law must submit a notice of application for Federal registration. Each registrant who submits such a notice will then be notified by the Agency when to submit a full application statement for registration, including required supporting data as prescribed under section 3 of the Act and this Part.

(b) *Contents of notice.* To meet the requirement of (a) above, each registrant shall submit on forms provided by the Agency the following information for each affected product:

(1) The name and mailing address of the registrant;

(2) The name of the State in which the product is registered;

(3) The State registration number of the product;

(4) The product name;

(5) A list of the product's active ingredients in descending order of concentration;

(6) The type and broad use pattern of the product; and

(7) One complete copy of the labeling approved by the State.

(c) *Failure to apply.* For any product with a valid State registration as of the effective date of these regulations, timely filing of the notice of application for Federal registration pursuant to paragraphs (a) and (b) of this section will satisfy the registration requirements of FIFRA, as amended. Failure to file such notice in timely fashion will subject the registrant of such product to liability for non-registration under FIFRA, as amended, section 12(a)(1)(A), provided, however, that nothing in this paragraph shall be construed to relieve persons subject to the Act from liability for violations of provisions of the amended Act which are not dependent upon product registration requirements under this Part, and which became effective upon enactment or have since been effectuated by regulation.

[FR Doc.74-23965 Filed 10-15-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE EIGHTH NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Eighth National Bank Region will be held in the Red Apple Inn, Eden Isle, Arkansas on November 1, 1974 beginning at 9 a.m.

The purpose of this meeting is to assist the Regional Administrator and the Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Region.

These meetings are concerned with the liquidity, solvency and continuity of the banking system and involve discussion of commercial and financial information obtained in confidence and required to be kept confidential.

It is hereby determined pursuant to section 10(d) of Public Law 92-463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10(a) (1) and (3) of the Act (Public Law 92-463) relating to open meetings and public participation therein.

Dated: October 7, 1974.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74-24041 Filed 10-15-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

NAVY AND MARINE CORPS ACQUISITION REVIEW COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463 [1972]), notice is hereby given that the Navy and Marine Corps Acquisition Review Committee will have a closed meeting on October 30, 1974, at the Naval Material Command Management Information Center (Room 310), Crystal Plaza, Building 5, Crystal City Complex, Arlington, Virginia. The meeting will commence at 1:00 p.m. and is scheduled to terminate at 3:00 p.m. The agenda consists of matters classified in the interests of national security, including future Navy programs, force levels and force-level planning, and current events impacting upon the U.S. Navy's ability to support policies of the United States.

Dated: October 7, 1974.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

[FR Doc.74-24044 Filed 10-15-74;8:45 am]

PROFESSIONAL EDUCATION ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act [Pub. L. 92-463 (1972)], notice is hereby given that the Professional Education Advisory Committee, U.S. Marine Corps, will hold an open meeting on October 31 and November 1, 1974, in Room 120, Breckinridge Hall, Marine Corps Development and Education Command, Quantico, Virginia. The meeting will convene at 8 a.m., Thursday, October 31 and adjourn at 4:30 p.m. on November 1, 1974. Limited seating is available.

The agenda topics will include a review of the evaluation program, a report of the activities of the Education Center Adjunct Faculty Management Committee, consideration of the plan for computer applications in support of instruction, and a summary of new developments in leadership instruction.

Any person desiring information about the Advisory Committee may write to the Director, Education Center, Marine Corps Development and Education Center, Quantico, Virginia 22134.

Dated: October 9, 1974.

MERLIN H. STARING,
Rear Admiral, JAGC, U.S. Navy,
Judge Advocate General.

[FR Doc.74-24174 Filed 10-15-74;12:07 pm]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74-5]

JAMES G. MIDDLETON, M.D.

Revocation of Certificate of Registration

On April 22, 1974, the Administrator of the Drug Enforcement Administration caused to be delivered to James G. Middleton, M.D., 969 South Elmhurst Road, Des Plaines, Illinois 60016, an Order to Show Cause as to why his DEA Registration AM4183670 should not be revoked for the reason that, on November 20, 1973, the Tennessee State Board of Medical Examiners revoked his license to practice medicine and surgery in the State of Tennessee including, but not limited to, his right to dispense controlled substances.

By an undated letter received May 28, 1974, at the Drug Enforcement Administration, the Respondent requested a hearing in this matter, and, on June 25, 1974, a hearing was held before Administrative Law Judge Frederick W. Denniston in Chicago, Illinois. Subsequent to the hearing, both the Respondent and the Government submitted Proposed Findings of Fact and Conclusions of Law to Judge Denniston.

On August 8, 1974, Judge Denniston filed his Recommended Decision with the Drug Enforcement Administration, which concluded in part:

> It is recommended that the Registration of James G. Middleton, under the Controlled Substances Act, No. AM4183670, be revoked pursuant to Section 304 of that Act for the reason that he is not authorized to dispense such substances under the laws of the State in which he practices as required by section 303(f) of that Act.

Having reviewed the record of these proceedings in its entirety, the Administrator hereby adopts that part of the Recommended Decision of the Administrative Law Judge set out above, pursuant to § 1316.65, Title 21, Code of Federal Regulations.

Therefore, under the authority vested in the Attorney General by section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824), and redelegated to the Administrator of the Drug Enforcement Administration by Section 0.100, as amended, Title 28, Code of Federal Regulations, and Reorganization Plan No. 2 of 1973, the Administrator hereby orders that the Certificate of Registration (DEA Registration AM4183670, issued to James G. Middleton, M.D., be, and hereby is, revoked, effective upon publication hereof in the FEDERAL REGISTER.

Dated: October 10, 1974.

JOHN R. BARTELS, Jr.
Administrator,
Drug Enforcement Administration.

[FR Doc.74-24076 Filed 10-15-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Bureau Order No. 701, Amdt. 19]

LANDS AND RESOURCES

Redelegation of Authority

Bureau Order No. 701, dated July 23, 1964, is further amended as follows:

A new subparagraph (7) is added to section 1.9(t) as follows:

Section 1.9 *Land Use*

* * * * *

(t) *Matters Pertaining to Alaska Only.*

* * * * *

(7) Alaska Native Selections. Take all actions pursuant to 43 CFR 2650–2654.

Dated: October 7, 1974.

GEORGE L. TURCOTT,
Associate Director.

[FR Doc.74-24010 Filed 10-15-74;8:45 am]

ROCK SPRINGS DISTRICT ADVISORY BOARD

Notice of Meeting

OCTOBER 7, 1974.

Notice is hereby given that the Rock Springs District Advisory Board will meet at 9:30 a.m., November 18, 1974, at the Holiday Inn Meeting Room, 1675 Dewar Drive, Rock Springs, Wyoming. The agenda will include consideration of applications for the 1975 grazing season and discussion of range improvements.

The meeting will be open to the public as space is available. Interested parties will be permitted to appear before the Board or file a written statement for its consideration. Those wishing to appear before the Board must inform the Chairman in writing prior to the meeting.

Written statements and requests to appear before the Board should be submitted to John W. Hay, Jr., Chairman, c/o District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

NEIL F. MORCK,
District Manager.

[FR Doc.74-24037 Filed 10-15-74;8:45 am]

Office of the Secretary

PROPOSED COMPREHENSIVE DESIGN, WEST BEACH UNIT, INDIANA DUNES NATIONAL LAKESHORE, INDIANA

Extension of Time To Comment on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement on the proposed comprehensive design, West Beach Unit, Indiana Dunes National Lakeshore. The statement considers the development, management, and preservation procedures of the area.

Written comments on the environmental statement are invited and will be accepted on or before November 8, 1974. Written comments should be addressed to the Superintendent, Indiana Dunes National Lakeshore, Route 2, Box 139A, Chesterton, Indiana 46304.

For additional information regarding this matter see FEDERAL REGISTER of July 26, 1974, Vol. 39, No. 145, pages 27336–27337.

Dated: October 11, 1974.

STANLEY D. DORELIUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-24136 Filed 10-15-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

TRIANGLE RANCH WETLANDS LAND EXCHANGE, MODOC NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Triangle Ranch Wetlands Land Exchange, Modoc National Forest, California USDA-FS-DES(Adm)75-03.

The environmental statement concerns a proposed land exchange of approximately 1,800 acres of National Forest timberlands for 17,800 acres of privately owned rangeland all in Modoc County. The exchange will consolidate public land ownership and resolve problems of management, protection, and use of lands and resources arising from intermingled public and private land ownership patterns. The rangeland to be acquired will be managed primarily for production of wildlife habitat, livestock grazing, and recreation use.

This draft environmental statement was transmitted to CEQ on September 9, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, D.C. 20250

Regional Forester
U.S. Forest Service, Rm. 529
630 Sansome St., Rm. 531
San Francisco, California 94111

Forest Supervisor's Office
Modoc National Forest
441 N. Main St.
Alturas, California 96101

Forest Service
District Ranger
Canby, California

A limited number of single copies are available upon request from Forest Supervisor Kenneth C. Scoggin, Modoc National Forest, 441 N. Main, Alturas, California 96101.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental effect for which comments have not been specifically requested.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Kenneth C. Scoggin, Modoc National Forest, 441 N. Main, Alturas, California 96101.

Comments must be received within 60 days after filing with CEQ in order to be considered in the preparation of the final environmental statement.

R. MAX PETERSON,
Deputy Chief, Forest Service.

SEPTEMBER 9, 1974.

[FR Doc.74-24075 Filed 10-15-74;8:45 am]

Rural Electrification Administration

MINNKOTA POWER COOPERATIVE

Availability of Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Minnkota Power Cooperative of Grand Forks, North Dakota. This loan application requests REA loan funds to finance a 36 mile portion of a 54 mile, 230 kV transmission line from Winger to Wilton, Minnesota, and related transmission facilities. Otter Tail Power Company will construct the remaining portion of the transmission facilities.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Impact Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4310, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Askegaard at the address given above. Comments must be received on or before December 16, 1974, to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 7th day of October 1974.

DAVID H. ASKEGAARD,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.74-24073 Filed 10-15-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CORNELL UNIVERSITY ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before November 5, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribed the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00109-99-74700. Applicant: Cornell University, Department of Modern Languages and Linguistics, 9 Morrill Hall, Ithaca, New York 14853. Article: Speech Synthesizer. Manufacturer: AB Fonema, Sweden. Intended use of article: The article is intended to be used in connection with a D.E.C. PDP-11 computer system in research on the phonetic properties of natural languages in relation to their phonological systems. Experiments to be performed include systematic deformation of pitch contours in Russian, investigation of vowel resonances in several languages of West Africa, and interactions between tone, amplitude, and vowel resonances in several Chinese dialects. In each case the acoustic parameter values will be developed either from analysis of live models or from hypothetical feature designations. The initial parameters will be varied systematically over the range to be investigated. Application received by Commissioner of Customs: September 17, 1974.

Docket Number: 75-00110-35-07700. Applicant: Pacific Medical Center, 2340 Clay Street, San Francisco, California 94115. Article: Fundus Camera with Flash. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used to establish criteria for ophthalmoscopic and photographic evaluation of the nerve fiber layer of the retina. The study will identify optimal photographic methods for study of nerve fiber detail. Special emphasis will be placed on carefully defining changes that will be helpful in early detection of disease (such as glaucoma), in making patient care decisions (such as avoiding expensive and dangerous studies in conditions which mimic papilledema), or establishing a prognosis (as in an initial presentation of multiple sclerosis or optic nerve compression). Application received by Commissioner of Customs: September 17, 1974.

Docket number: 75-00111-33-46500. Applicant: The University of Texas Health Science Center at San Antonio, 7703 Floyd Curl Drive, San Antonio, Texas 78284. Article: Ultramicrotome, Model OM U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used in experiments dealing with:

(1) Changes in the motor end-plate region of frog skeletal muscle associated with densensitization of the muscle membrane.

(2) Studies of cultivated vascular smooth muscle cells for onset of synthetic activity of mucopolysaccharides, elastin and collagen.

(3) Comparison of any noted changes in the lining of respiratory epithelium in baboons habituated to inhalation of tobacco smoke to the functional studies also performed on these animals.

The article will also be used in the teaching of resident and graduate students in pathology and physiology and for the training of postdoctoral fellows in specialized techniques related to studies in ultrastructure as well as for teaching the required skills for the electron microscope course offered to Histology students, and others taking the course. Application received by Commissioner of Customs: September 17, 1974.

Docket number: 75-00112-33-9000. Applicant: Hospital of the University of Pennsylvania, 3400 Spruce Street, Philadelphia, Pa. 19104. Article: EMI Scanner with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for investigating the early detection and pathogenesis of brain tumors, brain infection and brain trauma. The article will also be used extensively in training medical students and postgraduate physician trainees in Neuroradiology, Neurology, Neurosurgery, as well as in Nuclear Medicine. The correlation with conventional neuroradiologic and radionuclide diagnostic examinations will be emphasized and the proper indications for various diagnostic modalities will be stressed. Application received by Commissioner of Customs: September 17, 1974.

Docket number: 75-00113-33-46040. Applicant: University of Hawaii at Hilo, P.O. Box 1357, Hilo, Hawaii 96720. Article: Electron Microscope, Model EM-9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to train students (undergraduate) in the techniques of electron microscopy, to familiarize them with the appearance of biological structures at the ultrastructural level, and to enable them to attempt limited research projects in collaboration with members of the faculty as a part of their training. The organisms to be studied are of marine origin obtainable in Hilo Bay, that will include both normal and pathological specimens. Applications received by Commissioner of Customs: September 17, 1974.

Docket Number: 75-00114-33-46040. Applicant: University of New Mexico, Biology Department, Albuquerque, New Mexico 87131. Article: Electron Microscope, Model Corinth 275. Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom. Intended use of article: The article is intended to be used to examine ultrathin sections and surface replications of biological materials in the following research projects.

(1) Localization of enzymes in bacteria,

(2) Fine structural studies of topography, appendages and internal structures of bacteria conducted on bacteria of ecological importance,

(3) Transmission electron microscopy and autoradiography on thin sections of millipede cuticle used to investigate seasonal utilization of metabolic reserves in a desert millipede.

(4) Study of the role of microtubules and/or microfilaments in the reorganizational response to thyroid-stimulating hormone (TSH) of cultured thyroid gland cells,

(5) Studies of the separation, culture and metabolic properties of cells dissociated from mammalian lung tissue,

(6) Detailed studies of the host acceptance of transplants of cells cultured *in vitro*,

(7) Studies of cell surface phenomena associated with dispersed, cultured and transplanted cells, and

(8) Observations of cells in the ganglion cell layer of vertebrate retinae from rats, mice, cats, dogs and primates. The article will also be used in the courses Techniques in Electron Microscopy, Cytology, and Cell Physiology to teach the use of electron microscope techniques and applications in the biological sciences, and to aid the student in interpretation of cell structure and function. Application received by Commissioner of Customs: September 17, 1974.

Docket number: 75-00115-33-46500. Applicant: University of North Carolina at Chapel Hill, School of Medicine,

Chapel Hill, North Carolina 27514. Article: Ultramicrotome, Model OM U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used for a comprehensive neuroanatomical investigation on the synaptic organization of primary sensory nuclei in the brain and spinal cord of experimental animals. In addition, the article will be used in the training of medical and graduate students in neurobiology and neuroanatomy. Application received by Commissioner of Customs: September 17, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-23983 Filed 10-15-74;8:45 am]

STATE UNIVERSITY OF NEW YORK AT STONY BROOK

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00538-75-41200. Applicant: State University of New York, Stony Brook, New York 11790. Article: mm Wave Klystron, 55 GHz. Manufacturer: Varian of Canada, Canada. Intended use of article: The article is to be used in the measurement of the Lamb Shiff in doubly ionized lithium utilizing an rf. resonance technique.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability of operation at 55 gigahertz. The National Bureau of Standards (NBS) advised in its memorandum dated September 6, 1974, that the capability described above is pertinent to the purposes for which the article is intended to be used. NBS also advised that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-23984 Filed 10-15-74;8:45 am]

TEXAS A & M UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00552-75-90000. Applicant: Texas A & M University, College Station, Texas 77843. Article: Rotating Anode X-Ray Topographic System. Manufacturer: Rigaku Denki Co. Ltd., Japan. Intended use of article: The article is intended to be used for studies of the crystalline lattice defects of semiconductor materials (primarily silicon). The article is to be used to make X-Ray topographs before and after each processing step thus allowing identification of the existing lattice damage and strains.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reason: The foreign article provides the capability for X-ray energies such as those produced in rotating-anode tubes (e.g., 60 kilovolts at 500 millivolts for a 10 square millimeter focus) and the capability provided by an oscillating topographic camera which allows topography of wide imperfections in large single crystals. The National Bureau of Standards (NBS) advised in its memorandum dated September 9, 1974, that both capabilities described above are pertinent to the purposes for which the article is intended to be used. NBS also advised that it knows of no domestic instrument or system of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-23787 Filed 10-15-74;8:45 am]

UNIVERSITY OF CALIFORNIA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00041-93-68495. Applicant: University of California Los Alamos Scientific Laboratory, P.O. Box 990 Los Alamos, New Mexico 87544. Article: Alcatel MIV-3000 Helium Gas Pumping System. Manufacturer: Alcatel, France. Intended use of article: The article is intended to be used as part of the ^{3}He recirculating refrigeration of a polarized target to measure a spin correlation parameter (Cnn) in high energy proton-proton elastic scattering. The target will also be available as a ZGS facility for use in other experiments.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is capable of maintaining a sufficiently low ^{3}He pressure at the target to permit the target to cool by evaporation to temperatures on the order of 0.4° Kelvin and has a maximum leak rate of 1×10^{-7} atmosphere (atm). cubic centimeter (cc). reciprocal seconds (sec^{-1}). The most closely comparable domestic instrument, the Stokes Division Model 1723, manufactured by the Pennwalt Corporation, provides a leak rate which exceeds 1×10^{-7} atm. cc-$sec.^{-1}$ which does not meet the maximum leak rate specification of the article. The National Bureau of Standards (NBS) advised in its memorandum dated September 25, 1974, that the two capabilities of the article cited above are pertinent to the applicant's intended purposes. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-23933 Filed 10-15-74;8:45 am]

UNIVERSITY OF FLORIDA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office

of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00429-33-46040. Applicant: University of Florida, Dept. of Materials Science & Engineering, Gainesville, Florida 32611. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used for studies of metals and alloys, glasses, ceramics, semi-conductors, minerals, organic solids, particulate matter, and replicas. Experiments to be conducted include: (A) Determining the crystal structure and composition of precipitate particles less than 0.3 μm in diameter. (B) Using computer simulation methods to precisely match strain fields of dislocations, voids, grain boundaries, small precipitates and interfaces between phases with and without solute segregation. (C) Studying the crystallization of amorphous films produced by sputtering and evaporation using small angle scattering, microdiffraction and electron energy analysis. (D) Studying the interface between bioceramics implants and animal tissue by direct resolution, composition analysis and micro diffraction. (E) Investigating the degree of solute segregation at crystal defects and boundaries in silicon and other semiconductor materials by micro X-ray analysis and strain contrast. (F) Many other similar studies where a precise description of local structure and composition are required.

The article will also be used for educational purposes to train metallurgists, ceramists, materials scientists, and other (e.g. chemists, biologists, etc.) in the use and interpretation of information from electron microscopes for use in product development failure analysis, and research on solids.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a capability for scanning transmission microscopy. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C supplied by the Adam David Company. The Model EMU-4C did not provide a capability for scanning transmission microscopy. The National Bureau of Standards (NBS) advised in its memorandum dated September 9, 1974, that the capability for scanning transmission electron microscopy is pertinent to the purposes for which the article is intended to be used. NBS further advised that it knows of no domestic instrument of equivalent scientific value to the article for the applicant's intended use. For these reasons we find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purpose as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.05, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-23985 Filed 10-15-74;8:45 am]

YALE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00549-01-19000. Applicant: Yale University, 225 Prospect St., New Haven, Conn. 06520. Article: Vibrating Densimeter, Model O1C. Manufacturer: Sodev, Inc., Canada. Intended use of article: The article is intended to be used to measure the densities of solutions and suspensions which are simultaneously studied in a Yale-designed and built Differential Scanning Calorimeter. A wide variety of materials, mostly of biochemical interest, will be studied, including suspensions of lipids, cell membranes and filamentous viruses, as well as solutions of simple model compounds. These studies are directed at determining the thermodynamic properties of biologically important compounds and structures. The article will also be used extensively by undergraduate and graduate students and postdoctoral fellows in their research activities.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides an accuracy of 1 in 10^6 with a measuring time of about one minute. The most closely comparable domestic instrument, the American Instrument Company (AMINCO) Model 300, provides an accuracy of 1 in 10^5 with a measuring time of about 10 minutes. The Department of Health, Education, and Welfare advised in its memorandum dated September 11, 1974, that the better speed and accuracy of the article is pertinent to the purposes for which the article is intended to be used. We, therefore, find that the Model 300 is not of equivalent scientific value to the foreign articles for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-23986 Filed 10-15-74;8:45 am]

National Oceanic and Atmospheric Administration

ATLANTIC TUNA

Notice of Meeting

A meeting open to individuals interested in Atlantic tuna will be held at 8:30 a.m., on Wednesday, October 23, 1974, in the Penthouse Conference Room, Page One Building, 2001 Wisconsin Avenue NW., Washington, D.C.

The purpose of the meeting is to review U.S. preparations for the Third Regular Meeting of the Council of the International Commission for the Conservation of Atlantic Tunas to be convened November 20-26 in Madrid, Spain. The Washington, D.C., discussions will concentrate on the possible conservation needs of Atlantic tuna and tuna-like species.

The public will be admitted to the extent of seating available on a first come, first served basis.

Dated: October 9, 1974.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.74-23997 Filed 10-15-74;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON SMALL AREAS

Public Meeting

The Census Advisory Committee on Small Areas will convene on November 21 and 22, 1974 at 9 a.m. in Room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Small Areas was established in 1965 to advise the Bureau of the Census concerning development of statistical programs in metropolitan and other local communities regarding transportation, urban renewal, poverty, and other activities.

The Committee is composed of 23 members appointed by the Secretary of Commerce.

The agenda for the November 21 meeting is: (1) Budget and funding outlook, (2) Determination method for

Census Bureau data collection and publication decisions, (3) Proposed Current Population Survey expansion and the potential for small area estimates, (4) Work performed for other Federal agencies, (5) State and local Area Data Improvement Program, and inventory of statistics and regulations requiring Federal, State and Local Agency Use of Small Area Data, (6) Special publications on Census Bureau products and services, (7) Progress report on 1972 Economic Censuses and plans for 1977, (8) Census Use Study Programs for Fiscal Year 1975.

The agenda for the November 22 meeting, which will adjourn at approximately 12:30 p.m., is: (1) State of the Census Bureau-reorganization for data user activities, (2) Pilot study of uses of Census data, (3) Progress report on 1980 Census planning, (4) Subcommittee recommendations concerning data to be published for small areas, (5) Panel discussion on Census data for land use planning and management.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside during both days for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Guidance and Control Officer, Mr. Robert B. Voight, Chief, Data User Services Office, Bureau of the Census, Room 3555, Federal Building 3, Suitland, Maryland. (Mail Address: Washington, D.C. 20233). Telephone (301) 763–7720.

Dated: October 7, 1974.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

[FR Doc.74–24042 Filed 10–15–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

TEACHER CORPS

Meeting

Notice is hereby given pursuant to the authority contained in Part B–1 of the Education Professions Development Act of 1965, as amended (79 Stat. 1255–1258 as amended, 20 U.S.C. 1101–1107a), that the Teacher Corps will hold general orientation meetings for officials from Institutions of Higher Education and State and Local Education Agencies who are interested in submitting application for Teacher Corps grants to be awarded for the school year 1975–76.

A meeting will be held between 9:00 a.m. and 5:00 p.m. on November 11, 1974 at the Marriott Essex House Hotel, 160 Central Park South, New York, New York and repeated between those times on the dates and locations listed:

November 13, 1974. Admiral Benbow Inn, Atlanta Airport, 1419 Virginia Avenue, College Park, Georgia.

November 14, 1974. Stouffers Riverfront Inn, 200 South Fourth Street, St. Louis, Missouri.

November 15, 1974. Holiday Inn, Los Angeles International Airport, 9901 La Cienega Boulevard, Los Angeles, California.

The orientation meeting shall be opened to the public. The proposed agenda includes:

1. Review of current legislative authority including changes under Public Law 93–380.

2. Application procedures, including the specifications for the preparation of program and fiscal information.

3. Description of application review criteria as established under the Office of Education's General Provisions.

The choice of meeting place together with names of officials expected to attend such sessions should be mailed to: Teacher Corps, U.S. Office of Education, Washington, D.C. 20202, Attention: Conference Coordinator.

Dated: October 9, 1974.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.74–24048 Filed 10–15–74;8:45 am]

Social and Rehabilitation Service

NATIONAL ADVISORY COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Meeting

The National Advisory Council on Services and Facilities for the Developmentally Disabled, created to advise the Secretary on regulations and evaluation of programs for Public Law 91–517, will hold a regular meeting on October 21 and 22, 1974, at the Department of Health, Education, and Welfare North Building, Room 5051, 330 Independence Avenue SW., Washington, D.C. 20201. On October 21 the meeting will begin at 9:00 a.m. and recess at 5:30 p.m. On October 22 the meeting will reconvene at 8:30 a.m. and adjourn at 5:00 p.m. The agenda will include the Executive Secretary's Report, Legislative Developments and Their Implications for State Programs, Role of the Regional Office in the Administration of the DD Program, Issues in SSI, Social Services, and Medicaid, as they Impact on the Developmentally Disabled, and Subcommittee Reports. The meeting will be open to the public. Additional information can be obtained by calling the Executive Secretary at 202–245–0772.

Dated: October 4, 1974.

FRANCIS K. LYNCH,
Executive Secretary.

[FR Doc.74–24029 Filed 10–15–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIRPORT GRANT-IN-AID

Notice of Consultative Planning Conference

The purpose of this notice is to announce a Consultative Planning Conference on the Airport Grant-in-Aid Program. (The establishment of annual consultative planning procedures was originally documented and publicized in 33 FR 1905, dated 24 December 1968, and 35 FR 17798, dated 19 November 1970.)

The Department of Transportation announces that the conference will be held October 23–24 in the Departmental Conference Room, room 2230, 400 7th Street, SW., Washington, D.C., at 9 a.m. The meeting will be open to the public and all persons are invited to present their views on the matters to be discussed.

The authorization under which the present Airport Grant-in-Aid Program is being conducted expires at the end of FY–75. The purpose of the conference is to review and discuss the major options available for improving management of the program.

Issued in Washington, D.C. on October 10, 1974.

F. A. MEISTER,
Acting Associate Administrator for Policy Development and Review.

[FR Doc.74–24078 Filed 10–15–74;8:45 am]

Federal Railroad Administration

RAILROAD OPERATING RULES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Railroad Operating Rules Advisory Committee will meet on Thursday, October 31, 1974 and Friday, November 1, 1974 at 10 a.m. in Room 5334, Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The Committee was established to provide advice to the Federal Railroad Administration concerning solutions to problem areas involving the operating rules of the nation's railroads.

As the first meeting of this newly created Committee the proceedings will include consideration of organizational matters and a briefing from the Federal Railroad Administration on the operating rules problem.

The meeting is open to the public. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so. Members of the public who wish to make oral statements should inform the Office of Chief Counsel, Federal Railroad Administration (202) 426–0767 at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Minutes of the meeting will be made available for public inspection during regular business hours in the Office of the Chief Counsel, Federal Railroad Administration, Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C.

Issued at Washington, D.C. on October 9, 1974.

JOHN W. INGRAM,
Administrator.

[FR Doc.74–24077 Filed 10–15–74;8:45 am]

Office of the Secretary

[OST Docket No. 34, Notice No. 74-13]

KENTUCKY; EMERGENCY DAYLIGHT SAVING TIME

Realignment of Time Zone Boundaries

The Emergency Daylight Saving Time Energy Conservation Act of 1973, as originally enacted (December 15, 1973, Public Law 93-182) ("the Act"), advances the standard time by one hour in all eight standard time zones of the United States continuously from 2 a.m. Sunday, January 6, 1974, to 2 a.m. Sunday, April 27, 1975, and provides that the time as so advanced shall be standard time. On October 5, 1974, the President signed an amendment to the Act (Public Law 93-434) which returns the United States to nonadvanced time for four months—from 2 a.m. Sunday, October 27, 1974, to 2 a.m. Sunday, February 23, 1975. Thus, under the amendment daylight saving time will not be observed in the United States during this four-month period.

Section 3(b) of the Act permits the President to grant a State's request for realignment of the existing limits of time zones if the State, by proclamation of its Governor, makes a finding prior to Sunday, January 6, 1974—the effective date of the Act—that such realignment is necessary to avoid undue hardship or to conserve fuel in such State or part thereof. By Executive Order 11751, issued December 15, 1973, the President designated and empowered the Secretary of Transportation to exercise the President's authority to grant realignments.

Procedures and criteria for implementation were promulgated by the Secretary (49 CFR Part 73; December 20, 1973, 38 FR 34876) which specifically reserved to the Secretary the authority to revoke or modify a realignment granted by the Secretary (49 CFR § 73.11(a)).

The Governor of the Commonwealth of Kentucky, the Honorable Wendell H. Ford, by proclamation issued January 3, 1974, requested that the limits of the division between the eastern and central time zones in Kentucky be realigned during the effective period of the Act, to include within the central time zone all of the Commonwealth except twelve northeastern counties (Boone, Kenton, Campbell, Grant, Pendleton, Bracken, Mason, Lewis, Greenup, Carter, Boyd, and Lawrence). The twelve counties which were to remain in the eastern time zone are proximate to the Ohio and West Virgina State lines.

The proclamation and supporting data submitted by the Governor of Kentucky established that more than 75 percent of the population of Kentucky live in the extreme western edge of the eastern time zone (as then delineated); that observance of eastern advanced time within most of that portion of Kentucky in the eastern time zone would cause extreme hardship to school children, and to agriculture and industry requiring daylight working conditions; that the convenience of commerce would be served by western Kentucky counties observing the same time as adjacent areas in Tennessee and Indiana; and that the proposed realignment would not be detrimental to the national energy conservation program. The data submitted also established that the twelve counties which were to remain in the eastern time zone are commercially related to adjacent areas in Ohio and West Virginia, and that the convenience of commerce would best be served by their continued observance of the same time as those areas.

Upon consideration of the proclamation and supporting data, I found that the requested realignment of the limits of the eastern and central time zones within Kentucky would be consistent with the objectives sought to be achieved by the Act. I therefore ordered that during the effective period of the Act (January 6, 1974 to April 27, 1975) the limit between the eastern and central time zones in the Commonwealth of Kentucky was to be defined as follows:

From the junction of the east line of Spencer County, Indiana, with the Indiana-Kentucky boundary northerly and easterly along that boundary to the west line of Boone County, Kentucky; thence southerly along the west line of Boone County to the north line of Grant County; thence west along the north line of Grant County to the west line of Grant County; thence easterly along the west line of Grant County to the south line of Grant County; thence easterly along the south lines of Grant and Pendleton Counties to the west line of Bracken County; thence south along the west line of Bracken County to the south line of Bracken County; thence easterly along the south lines of Bracken, Mason, Lewis, and Carter Counties to the west line of Lawrence County; thence south along the west line of Lawrence County to the south line of Lawrence County; thence easterly and northerly along the south line of Lawrence County to its junction with the Kentucky-West Virginia boundary; thence southerly along the Kentucky-West Virginia boundary and the Kentucky-Virginia boundary to the Kentucky-Tennessee boundary; thence west along the Kentucky-Tennessee boundary to its junction with the west line of Scott County, Tennessee (39 FR 1524, January 10, 1974).

In light of the recent amendment to the Act discussed above, Governor Ford, by letter of October 8, 1974, has requested that the Secretary change the expiration of the realignment from 2 a.m. Sunday, April 27, 1975, when the Act expires and the realignment originally was to expire, to 2 a.m. Sunday, October 27, 1974, when nonadvanced time resumes under the amendment. The requested action would return the limit between the eastern and central time zones in Kentucky to its normal alignment and return the affected part of Kentucky to the eastern time zone. Governor Ford cites the fact that during March (and, *a fortiori*, during April) the sun rises early enough and sets late enough in the affected part of Kentucky that the observance of advanced (daylight saving) time would not produce the undue hardship which the realignment was designed to relieve.

The Governor also cites the fact that, if his present request is not granted, the affected part of Kentucky, including the metropolitan areas of Louisville and Lexington, will undergo three time changes between October 27, 1974, and April 27, 1975: on October 27, 1974, from central daylight saving to central standard time; on February 23, 1975, from central standard to central daylight saving time; and on April 27, 1975, from central to eastern daylight saving time. These multiple time changes would be both confusing to the people in the area concerned and disruptive of commerce, the convenience of which is a prime concern of the time laws.

In consideration of the foregoing, I find that modification of the expiration of the temporary realignment of the limit between the eastern and central time zones in Kentucky to 2:00 a.m. central advanced (daylight saving) time on Sunday, October 27, 1974, as requested by the Governor of Kentucky, is consistent with the objectives sought to be achieved by the Act as recently amended. Effective at that time the limit between the eastern and central time zones in the Commonwealth of Kentucky shall be as it was prior to January 6, 1974, as defined in 49 CFR 71.5(c). (Since central advanced time is the same time *on the clock* as eastern nonadvanced time, making the modification effective at 2 a.m. central advanced time will obviate changing clocks in the affected part of Kentucky.

Because of the short period of time between the enactment of Public Law 93-434 on October 5, 1974, and its taking effect October 27, 1974, and the necessity to act upon Governor Ford's proclamation prior to the latter date, I find that notice and public procedure on this action are contrary to the public interest and that good cause exists for making it effective in fewer than 30 days after publication in the FEDERAL REGISTER. For these same reasons it has not been possible to assess the need for and, if necessary, to prepare an environmental impact statement on this action. See section 102, National Environmental Policy Act of 1969 (January 1, 1970, Public Law 91-190, section 102, 83 Stat. 853; 42 U.S.C. 4332).

This action is taken pursuant to section 3(b) of the Emergency Daylight Saving Time Energy Conservation Act of 1973 (December 15, 1973, Public Law 93-182, section 3(b), 87 Stat. 708); Executive Order 11751 (38 FR 34725); and Part 73 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 73).

Effective date: This action is effective 2 a.m. central advanced (daylight saving) time Sunday, October 27, 1974.

Issued in Washington, D.C., on October 9, 1974.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.74-23963 Filed 10-15-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

OCTOBER 11, 1974.

In accordance with the purposes of section 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on October 31–November 2, 1974, in Room 1046, 1717 H Street, NW, Washington, D.C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

THURSDAY, OCTOBER 31, 1974

9:15 am–12:30 pm—Seabrook Station—The Committee will continue its review of the application for a construction permit for this facility. Representatives of the Public Service Company of New Hampshire, the AEC Regulatory Staff, and the New England Coalition on Nuclear Pollution will make presentations and hold discussions with the Committee. Portions of this session will be closed if required to discuss proprietary information related to the design, construction and/or operation of this plant and to discuss security arrangements for this facility. Closed sessions will also be held for Committee deliberative sessions.

1:30 pm–2:30 pm—Meeting with AEC Regulatory Staff—The Committee will meet with representatives of the AEC Regulatory Staff to hear presentations on and to hold discussions regarding recent reactor operating experience and recent licensing activities.

3 pm–5 pm—Gas-Cooled Fast Breeder Reactor—If required to complete its preapplication review, the Committee will meet with representatives of General Atomic Company and the AEC Regulatory Staff to discuss the proposed design for a gas-cooled fast breeder reactor. Closed sessions will be held if necessary to discuss proprietary information related to the design of this plant. Closed portions will also be held for Committee deliberative sessions.

FRIDAY, NOVEMBER 1, 1974

9 am–12 Noon—Fast Flux Test Facility—The Committee will meet with representatives of the AEC Division of Reactor Research and Development and the AEC Regulatory Staff to hear presentations and hold discussions regarding the design, construction and/or operation of this facility. Closed portions will be held if necessary to discuss proprietary information related to the design, construction and/or operation of this facility. Closed portions will also be held for Committee deliberative sessions.

1:30 pm–5:30 pm—Clinch River Breeder Reactor—The Committee will meet with representatives of the Project Management Corporation and the AEC Regulatory Staff to hear presentations and hold discussions regarding the design and/or operation of this reactor. Closed portions will be held if required to discuss proprietary information related to the design and/or operation of this facility. Closed portions will also be held for Committee deliberative sessions.

It should be noted that, in addition to the closed portions of the agenda items noted above, the Committee will hold other sessions not open to the public under the authority of section 10(d) of Pub. L. 92–463 (the Federal Advisory Committee Act), to consider the above applications and other matters. I have determined in accordance with subsection 10(d) of Pub. L. 92–463 that it is necessary to close such portions of the meeting to protect proprietary data (5 U.S.C. 552(b)(4)), and to protect the free interchange of internal views to avoid undue interference with agency or Committee operation (5 U.S.C. 552(b)(5)). Any non-exempt material that may be discussed during the closed portions of the meeting will be inextricably intertwined with discussion of exempt material and no further separation is practical. Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than October 23, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such written comments shall be based on documents related to the agenda items noted above, and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and as follows:

SEABROOK STATION:

Exeter Public Library
Front Street
Exeter, New Hampshire 03833

CLINCH RIVER BREEDER REACTOR

Mrs. Patricia Postell
Oak Ridge Public Library
Civic Center
Oak Ridge, Tennessee 37830

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting or portions of the meeting have been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on October 30, 1974 to the Office of the Executive Secretary of the Committee (telephone: 301–973–5651) between 8:30 am and 5:15 pm Eastern Time. It should be noted that the schedule noted above is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items during the same day to accommodate required changes. The ACRS Executive Secretary will be prepared to describe these changes on October 30, 1974.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) Persons desiring to attend portions of the meeting where proprietary information is being discussed may do so by providing to the Executive Secretary 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. on or after January 31, 1975. Copies may be obtained upon payment of appropriate charges.

JOSEPH B. LAGRONE,
Acting Advisory Committee,
Management Officer.

[FR Doc.74-24037 Filed 10-15-74;8:45 am]

[Docket No. 50-409]

DAIRYLAND POWER COOPERATIVE

Proposed Issuance of Amendment to Provisional Operating License

The Atomic Energy Commission (the Commission) is considering the issuance of an amendment to Provisional Operating License No. DPR-45 issued to the Dairyland Power Cooperative (the licensee) for operation of the La Crosse Boiling Water Reactor (LACBWR) (the

facility), located in Vernon County, Wisconsin, and currently authorized for operation at power levels up to 165 MWt.

The license amendment would revise the Technical Specifications for the facility to incorporate increased interim surveillance requirements for the high energy fluid piping outside containment pending completion and acceptance of certain modifications to the facility to assure that it will withstand the consequences of postulated ruptures in the high energy fluid piping outside containment without loss of capability to achieve and maintain safe shutdown of the facility as required by the Commission's regulations.

On or before November 15, 1974, any person whose interest may be affected by the proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section, by November 15, 1974. A copy of the petition and/or request for a hearing should be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Fritz Schubert, Esquire, the attorney for the applicant.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or designated licensing board or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the Commission's letters to the licensee dated December 18, 1972, and April 8, 1974 and the licensee's report on pipe failures dated May 18, 1973 transmitted by letter dated January 17, 1974. All of these documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Sparta Free Library, Sparta, Wisconsin. As the Safety Evaluation Report to be prepared by the Directorate of Licensing on the subject of pipe failures and the license amendment become available, they may be inspected at the above locations and a copy of each may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this 10th Day of October, 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-24033 Filed 10-15-74;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Proposed Issuance of Amendment to Facility Operating License

The Atomic Energy Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-46 issued to Nebraska Public Power District (the licensee) for operation of the Cooper Nuclear Station located in Nemaha County, Nebraska (the facility).

The amendment would revise the provisions in the Technical Specifications relating to fuel densification in accordance with the licensee's application for amendment dated May 28, 1974.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Act and the Commission's regulations which are set forth in the proposed license amendment.

By November 15, 1974, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the application for amendment dated May 28, 1974, (2) the Commission's Technical Report on Densification of General Electric Reactor Fuels, dated August 23, 1973, and Supplement 1, dated December 14, 1973, (3) the proposed license amendment and changes to the Technical Specifications, and (4) a concurrently issued related Safety Evaluation by the Regulatory staff, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Auburn Public Library, 1118 15th Street, Auburn, Nebraska 68305. A single copy of items (2), (3) and (4) above may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 9th day of October, 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-24035 Filed 10-15-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 74-10-60; Docket No. 21570, etc.]

ALLEGHENY AIRLINES, INC. ET AL.

Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of October 1974.

Application of Allegheny Airlines, Inc., for realignment of route 97; Docket No. 24576.

In the matter of the application of Lake Central Airlines, Inc., under section 401 of the Federal Aviation Act of 1958 for amendment of its certificate for Route 83; Docket No. 17439.

In the matter of the application of Lake Central Airlines, Inc., under section 401 of the Federal Aviation Act of 1958, as amended, for the amendment of its certificate of public convenience and necessity for Route 88; Docket No. 18155.

Application of Mohawk Airlines, Inc., for amendment of its certificate of public convenience and necessity; Docket No. 20843.

Application of Mohawk Airlines, Inc., for amendment of its certificate of publice convenience and necessity; Docket No. 23013.

Application of Allegheny Airlines Inc., for amendment of its certificate of public convenience and necessity; Docket No. 23037.

By Orders 73-10-24 (October 4, 1973) and 74-8-28 (August 8, 1974) the Board effectuated an amendment of the certificate of public convenience and necessity for route 97 held by Allegheny Airlines, Inc. so as to realign that carrier's route system into one segment, eliminate or modify certain restrictions, and make permanent Allegheny's temporary authority in certain markets. The amended certificate is to be effective on October 11, 1974, subject to reconsideration of Order 74-8-28 as provided for in

the Board's Rules of Practice, and to Board orders extending such effective date from time to time.

Eight petitions for reconsideration have been received.[1] A total of 15 markets in which improved authority is granted are the subject of these petitions, each party requesting further action in a particular market, except for North Central,[2] whose petition embraces nine markets.[3] In addition, Allegheny has filed a consolidated answer to the petitions for reconsideration opposing any further imposition of operating restrictions, and the Peninsula Airport Commission[4] filed an answer in support of Piedmont's petition.[5]

In general, the petitions fall into two categories. The first category pertains to markets in which the improved authority was granted for the first time in Order 74–8–28, at the request of Allegheny and essentially because of the lack of objections to such request (see Appendix A, Order 74–8–28). The petitions of Delta, Ozark, and Southern, dealing with the Memphis - Nashville - Indianapolis markets, fall into this category. Upon reconsideration we have decided to grant the requests of Delta, Ozark and Southern for the reimposition of restrictions as proposed in the Order to Show Cause (Order 73–10–24), for the reasons discussed below. The second category of petitions for reconsideration pertains to markets as to which objections were previously raised by the same parties and rejected by the Board by Order 74–8–28. Upon reconsideration, we have determined to grant the requests of American, Allegheny, and the Norfolk Port and Industrial Authority (NPIA) and deny the requests of North Central and Piedmont, for the reasons discussed below.

As modified herein, we find that the findings and conclusions contained in Order 73–10–24 and in Order 74–8–28 should be reaffirmed. We further find that the amendment of the certificate of public convenience and necessity held by Allegheny in the form attached hereto, is in the public interest and is required by the public convenience and necessity. Our consideration of the objections raised by the pleadings follows.

As a preliminary matter we note that some of the objecting carriers, and particularly Delta, question the appropriateness of show cause procedures, in terms of notice and due process, to realign a route system as complex as Allegheny's, with the implication that the Board may not deny their requests for additional restrictions absent a hearing. We reject any such suggestion. The Board has been generous in allotting adequate time for the analysis of the route realignment proposal by affected parties, providing 60 days for the filing of answers to the Order to Show Cause and an additional 30 days for replies to such answers. No one has requested additional time, as is of course permissible under our rules of procedure. Furthermore, the Board, through its staff, has supplied extensive analysis of each Allegheny city-pair market to assist the parties in their own analysis. And finally, there has been no showing that a hearing would accomplish any more, in terms of building an adequate record for decision, than has been accomplished in this—and other—cases by the show cause procedure, particularly in light of the considerable savings in time and effort realized. Show cause procedures have now been successfully used in four other realignment proceedings and show promise of working admirably well in this case, as witness the fact that only 15 out of 4,278 city-pair markets remain in dispute at this stage.

Accordingly, we reaffirm our belief that the procedures utilized herein are appropriate and consistent with due process. We do not perceive that any party has been deprived of adequate notice and opportunity to present argument and make a factual showing necessary for the Board to reach decision herein.

The Memphis-Nashville-Indianapolis Markets

Delta requests that the two-stop restriction originally proposed in the Order to Show Cause (Order 73–10–24) for the Memphis-Indianapolis market be retained, in lieu of the one-stop restriction granted by Order 74–8–28 at Allegheny's request and without objection at that time by Delta or any other party. Delta points out that the confluent actions of Order 74–8–28 granting nonstop authority between Nashville and Indianapolis and reducing the two-stop restriction between Memphis and Indianapolis to a one-stop restriction leaves Allegheny with a usable, relatively circuitous routing between the latter two points via Nashville, which, Delta asserts, is inadequate to protect Delta's services in the market.[6] Furthermore, Delta claims that there has been no showing that additional competitive services are needed since Delta currently operates 10 daily services (seven of which are nonstop) with an on-board load factor of 63 percent, spread throughout the day, between Memphis and Indianapolis. Consequently, Delta maintains, a two-stop restriction is required in order to maintain competitive balance.

Allegheny in its answer claims that Delta's objection is untimely, that the sole basis for maintaining the two-stop restriction was the 50-percent circuity rule which, in Allegheny's belief, should not be rigidly applied, and that one-stop Allegheny authority would pose no serious threat to Delta and could provide some public benefit in light of Delta's on-board load factor of 63 percent.

Ozark in turn admits that it overlooked the request of Allegheny for nonstop authority in the Indianapolis-Nashville market contained in Allegheny's objections to Order 73–10–24 since neither that carrier's original proposal nor the Board's show cause order contained such authority.[7] It states that Ozark would have objected to nonstop authority earlier, and that it has no objections to unrestricted one-stop rights for Allegheny, equal to Ozark's authority. Allegheny answers that Ozark's objection is untimely and without merit. It states that the nonstop carriers certificated in the Indianapolis-Nashville market (American and Eastern) have not objected, that Ozark is not an applicant for nonstop authority, and that Ozark provides no service in the market. Accordingly, Allegheny claims, Ozark has no standing to seek a hearing and would not be adversely impacted in any event.

Finally, Southern requests reconsideration insofar as Order 74–8–28 removes Allegheny's long-haul restriction in the Memphis-Nashville market.[8] Southern states that removal of the restriction would permit unrestricted turnaround service between Memphis and Nashville, which raises controversial issues of the need for additional service and the extent of competitive impact upon other carriers serving the market. It further states that Allegheny has objected to Southern's application in Docket 24625 for improved authority in the market (from its current one-stop to nonstop) on the basis of a lack of need for the service and lack of public benefits, that the Board has stayed further procedural steps on its application (presumably in part on the basis of Allegheny's objection),[9] that Allegheny has in turn not shown a need or any

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[1] Petitions have been filed by: Allegheny Airlines, Inc.; American Airlines, Inc.; Delta Air Lines, Inc.; the Norfolk Port and Industrial Authority; North Central Airlines, Inc.; Ozark Air Lines, Inc.; Piedmont Aviation, Inc. and Southern Airways, Inc. No other petitions have been received.

[2] Henceforth all reference to the carrier parties will be in abbreviated, common-usage form.

[3] The objecting-party, the market(s), and the authority proposed and granted in light of the objections are set forth in Appendix A hereto.

[4] Owner and operator of Patrick Henry Airport, which serves the Newport News-Hampton Metropolitan area and surrounding communities.

[5] Allegheny has filed a motion for leave to file an unauthorized reply and a reply to the answer of the Peninsula Airport Commission. For good cause shown, we will grant the motion and consider Allegheny's reply.

[6] Delta states that Allegheny's previous best authority in the Indianapolis-Memphis market (one-stop via Parkersburg) represented a circuit of 114.2 percent; via Nashville, the circuit is 17.8 percent.

[7] Allegheny had originally requested one-stop authority; the Board's order proposed unrestricted two-stop authority.

[8] The restriction, lifted at Allegheny's request in its objections to the show cause order and without previous objection by Southern or any other party, requires Allegheny's Memphis-Nashville flights to originate or terminate at a point north or east of Nashville.

[9] Order 72–8–18 (August 4, 1972).

public benefits with respect to its receipt of Memphis-Nashville turnaround authority, and that, *a fortiori*, the Board must here deny Allegheny the lifting of the long-haul restriction.

Allegheny replies that Southern's objection is untimely and unsound on the merits. It states that Southern is not a factor in the Memphis-Nashville market[10] since it is one-stop restricted and the market is served nonstop by four other carriers (American, Braniff, Piedmont, and Allegheny), that none of the other carriers have objected to the lifting of the long-haul restriction,[11] that the original purpose of the restriction was primarily to protect the incumbent nonstop carriers rather than Southern,[12] and that the restriction is no longer needed.

In considering the petitions of Delta, Ozark, and Southern, we feel that these carriers were remiss in failing to object to Allegheny's requests for liberalized authority in the time provided therefor; however, we are not inclined, under all of the circumstances of this case, to refuse reconsideration simply because an objection could have been raised at an earlier stage of these proceedings as Allegheny urges.[13] We find that the public interest will be better served if the Board considers the carriers' objections on their merits.

The grant of Delta's and Ozark's requests for the reimposition of additional stop restrictions is, quite simply, consistent with the realignment guidelines we laid down at the inception of this case.[14] In the Memphis-Indianapolis market, Allegheny's best pre-realignment authority involved a circuitry of about 114 percent as compared to Delta's nonstop rights. By our guidelines, this requires a two-stop restriction over undesignated intermediate points, inasmuch as Allegheny's best authority is more than 50 percent circuitous compared to its competitor's (Delta) best authority.[15] In the Indianapolis-Nashville market, Ozark's best authority is one-stop; since Ozark does not provide any service in the market, the guidelines call for Allegheny to receive one intermediate stop more than Ozark's one-stop authority, *i.e.*, two-stop authority as proposed in the Order to Show Cause.[16] However, inasmuch as Ozark is willing to accept without objections the grant of unrestricted one-stop authority to Allegheny, we will modify Allegheny's certificate to so provide.[17] Thus, our action maintains the *status quo* of one-stop authority, but removes the requirement of a specific intermediate point.

In returning to the authority as shaped by the guidelines, we do not mean to imply that the guidelines are rigid barriers to reason. Thus, absent objection, we found it desirable to go beyond the guidelines in liberalizing Allegheny's authority in order to provide the carrier with maximum flexibility which, in turn, can lead to a sounder pattern of operations, superior service, and a better financial return. However, given objections to the proposed liberalization, the requirement of showing need for deviation from the announced guidelines falls upon the carrier seeking the improved authority, namely Allegheny. In these two instances, we find no compelling need for a departure.[18]

Southern's request for reimposition of the long-haul restriction in the Memphis-Nashville market stands on different ground. The Board has not developed any guidelines in this case—or in other realignment cases—with respect to such restrictions, and thus each instance is considered on an *ad hoc* basis. Here, the Board originally proposed not to alter existing competitive relationships in the Memphis-Nashville market. We later removed the long-haul restriction at Allegheny's request, simply in light of the lack of objection by any party, consistent with our handling of other such Allegheny requests. On reconsideration, we find that the better course is to retain Allegheny's long-haul restriction since Southern has opposed its removal.[19]

The Louisville-Cleveland Market

American seeks reconsideration of the one-stop authority granted Allegheny in this market, asserting that service over Dayton, made possible for the first time by Order 74–8–28 because of the removal of a one-stop restriction in the Louisville-Dayton market, provides Allegheny with a strong hub intermediate point with virtually no circuity which will divert traffic from American's nonstop services in the Cleveland-Louisville market. It further asserts that Allegheny one-stop operations are not needed, pointing out that American currently offers two northbound and three southbound frequencies between Louisville and Cleveland. American suggests a condition prohibiting the use of Dayton as an intermediate stop. Allegheny answers that American has not previously objected to one-stop rights for Allegheny via an undesignated intermediate; that as a practical matter Dayton is the only logical intermediate between Louisville and Cleveland, although a few other viable routings are available;[20] that as long as American's nonstop service remains adequate, Allegheny's one-stop operations via Dayton—or any other intermediate—will pose no serious threat to American; and that further restriction in this major market could seriously hamper Allegheny by impinging upon its operating flexibility.

It is clear that the removal of the one-stop restriction in the Louisville-Dayton market, while warranted and not opposed *per se* by any party, would permit Louisville-Cleveland operations over Dayton which, as Allegheny admits, is a highly logical pattern of operations. This could have an adverse impact upon American's services. Strict adherence to our guidelines, particularly the guideline with respect to circuity,[21] would call for unrestricted one-stop authority for Allegheny, as proposed. However, we have also noted that the "retention of a named intermediate is ordinarily required only when the elimination of the named intermediate will also eliminate substantial circuity and thus provide the local service carrier with a significant practical improvement in its authority."[22] Obviously, this situation falls between the cracks. Thus, given American's objections and the borderline circuity of Allegheny's pre-existing authority via Pittsburgh (45 percent), we believe that the circuity guideline should be flexibly applied in this instance, since it is apparent that the elimination of Pittsburgh as a named intermediate will provide Allegheny "with a significant practical improvement in its authority."

However, we do not favor the reimposition of Pittsburgh as an intermediate since, as Allegheny states, there are other viable routings (to which American does not object) and since our realignment program inherently contains

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[10] Southern's participation in the market is nine percent, Allegheny asserts.

[11] American and Braniff have turnaround authority; Piedmont is long-haul restricted.

[12] Order E–25387 (July 7, 1967).

[13] To some extent a realignment proceeding such as this case requires the voluntary adjustment of competing interests in order to effectuate its purposes.

[14] Order 73–10–24 at 9–10.

[15] *Id.*, at 10.

[16] *Id.*, at 9 and Appendix D, page 7.

[17] As a practical matter, a one-stop restriction in the Indianapolis-Nashville market would result in, at best, two-stop Memphis-Indianapolis authority. Thus, it could be maintained that no further restriction is necessary in the latter market. However, we prefer to impose restrictions in both markets for clarity in the certificate, as well as a reluctance on our part to impose restrictions in one market for the purpose of affecting another market.

[18] Allegheny's participation in the Memphis-Indianapolis market has been *de minimis*, as Delta points out. However, one-stop authority over Nashville would give Allegheny, for the first time, a usable route to penetrate the market directly. In the Indianapolis-Nashville market, the previously proposed nonstop authority would put Allegheny ahead of Ozark in terms of authority. We have no basis in this record for altering competitive relationships where objections are filed.

[19] *Cf.*, Piedmont Aviation, Inc. Route Realignment, Order 73–7–22 (July 6, 1973) at 3, where "meaningful existing long-haul restrictions have, for the most part, been retained." Among the retained restrictions was Piedmont's long-haul restriction in the Memphis-Nashville market. Our action herein is consistent with the Piedmont realignment in maintaining existing competitive relationships in the market. In any event, neither Allegheny nor any other carrier presently offers turnaround service in the market, and therefore the retention of the restriction does not pose any hardship on the carrier.

[20] Allegheny's existing best authority between Louisville and Cleveland requires a stop at Pittsburgh. The circuity of this route is 45 percent compared to nonstop distance. Allegheny thus asserts that the grant of an undesignated intermediate point is consistent with the guidelines for realignment proposed for this case.

[21] Order 73–10–24 at 10.

[22] Order 74–8–28 at 6, footnote 14.

a strong presumption against maintaining mandatory stops at specific points.[23] Nor do we view it appropriate to restrict Louisville-Dayton authority in order to protect a carrier in a different market. Thus, the only available alternative, given the circumstances, is to preclude the use of Dayton as a single intermediate point while allowing Allegheny to pursue schedule flexibility by using other, unnamed points as intermediate stops. Accordingly, we find it in the public interest that Allegheny's certificate should be amended to add the following restriction to condition 4 of Allegheny's certificate with respect to Cleveland-Louisville authority: "May not serve Dayton, Ohio, as an intermediate point on one-stop flights."

THE NORFOLK-BOSTON MARKET

Piedmont once again renews its arguments that Allegheny should not be granted nonstop authority in this market, relying in essence upon the proposition that the "Board in Order 74-8-28 has cut off the possibility that Piedmont can provide Norfolk-Boston service at some time in the reasonably foreseeable future," Petition at 6. It seeks reimposition of a one-stop restriction and ultimately, a comparative hearing which it asserts is required by the principles of *Ashbacker Radio Corp.* v. *F.C.C.*, 325 U.S. 327 (1945). Further, it asserts that the Board has failed to adequately explicate its departure in this instance from the guideline which calls for one intermediate stop more than the competitor's best authority in situations where the competitor is authorized but does not provide service in the market.[24]

The Peninsula Airport Commission has filed an answer in support of Piedmont's petition. PAC urges that it would be inequitable to the community to award Allegheny nonstop authority in the Norfolk-Boston market while limiting its Newport News-Boston authority to one-stop. While Norfolk and Newport News are separate and distinct metropolitan areas, PAC asserts, the latter's ability to attract adequate service depends upon carriers having equal authority at both points. The Board's proposed realignment would alter this balance and thus reimposition of one-stop authority is required or, preferably, a hearing should be held which would consider authority for both points contemporaneously.

Allegheny, in reply, states that removal of the existing one-stop restriction was consistent with the Board's route realignment guidelines since National, the incumbent carrier, did not object, since Allegheny holds a very direct routing over Philadelphia, and since it is the only carrier serving the market. On the other hand, Allegheny asserts, Piedmont does not serve Boston and is not a factor in the market, participating only to the extent of 1.1 percent of the market RPM's. Finally, Allegheny says that *Ashbacker* is inapplicable since Piedmont is not an applicant for Norfolk-Boston authority and since grant of such authority to Piedmont would be precluded as an economic fact.

We will deny Piedmont's request. As we noted in Order 74-8-28, Piedmont has not shown a cognizable stake in the market—it has no present authority, no application for authority and its participation by connecting flights is *de minimis*. In our view an undefined, general interest in possible future growth into new markets is insufficient to establish a nexus of interest substantial enough either economically or procedurally to warrant comparative consideration. This is particularly the case in proceedings where the only issue is the modification of existing authority of a carrier which, for all practical purposes, provides monopoly service in the market.[25] The change from one-stop to nonstop authority for Allegheny simply does not give rise to the type of economic exclusivity which might, as a matter of economic fact, effectively preclude the possible entry of Piedmont into the market at some future date—as contrasted to the effect of preexisting circumstances upon the chances for such entry. Accordingly, we reject the suggestion that the *Ashbacker* doctrine has any applicability to this instance.[26] Moreover, Piedmont is even less qualified to raise objections than was North Central with respect to the Philadelphia-Cincinnati/Columbus/Dayton markets, involving an ongoing investigation wherein North Central is an applicant for nonstop authority. We rejected North Central's claim for restrictions on Allegheny's authority—Order 74-8-28 at 9-10—and also reject Piedmont's claim here, for the same reasons.[27]

The Peninsula Airport Commission's argument that the proximity of Newport News to Norfolk requires that stop restrictions between Boston and Norfolk be identical with those in the Boston-Newport News market is simply a variation of arguments previously raised by Piedmont with respect to Newport News-Cincinnati/Memphis/Nashville in answer to the show cause order. Despite representations to the contrary, it is clear that the Commission's position depends in essence upon the proposition that service to Norfolk is service to Newport News. As we noted in Order 74-8-28 (at 8), there is no authority and nothing in the record to substantiate that proposition, and we therefore find that the relief sought by the Commission should be denied. In any event as Allegheny points out in its reply to the Commission's answer, the Board's action herein is no bar to a later and separate proceeding involving Newport News, should an application for nonstop authority in the Boston market be filed. No such application is pending at this time.

THE NORTH CENTRAL MARKETS

North Central's petition for reconsideration of Order 74-8-28 restates its previously heard argument that Allegheny's authority should not be improved in nine markets[28] without the same improvements being made in North Central's route 86 realignment proceeding (see Order 74-7-63 (July 16, 1974)). Its bid for equivalent authority is grounded upon what it perceives to be the requirements of the *Ashbacker* doctrine for comparative consideration of competing, mutually exclusive applications at a hearing. North Central argues that the Board's reasoning previously rejecting its suggestion that the Board should impose specific mandatory stop restrictions upon Allegheny (see Order 74-8-28 at 6) is erroneous since North Central's willingness to live with specific named intermediate points in these markets in its own realigned certificate (in acquiescence to objections by Allegheny) was based upon Allegheny's preexisting authority rather than the new authority as proposed in this proceeding.

Allegheny answers that its existing authority in each of the nine markets is far more direct than North Central's existing authority and that realignment as proposed would result in only minor improvements, in terms of circuitry.[29] On the other hand, it says, the grant of equivalent authority to North Central would give that carrier authority superior to Allegheny's after realignment, in terms of circuitry. Thus, Allegheny argues that there are substantial reasons for modifying its certificate as proposed.

Upon reconsideration, the Board has decided to reject North Central's request for reimposition of specific mandatory stop restrictions in Allegheny's certificate. North Central has not raised any new facts or arguments not previously considered and dealt with by the Board (Order 74-8-28 at 6). Moreover, its assertion that the Board's reasoning was faulty is premised upon the erroneous supposition that we relied upon North Central's acquiescence to Allegheny's

[23] Order 74-8-28 at 5.

[24] Order 73-10-24 at 9. National has nonstop authority in the Norfolk-Boston market but does not exercise it.

[25] Allegheny is the sole single-plane carrier in the market and carries approximately 98 percent of the on-line passengers between Boston and Norfolk.

[26] Piedmont's claim that the Board has somehow departed from long-established policy in liberalizing Allegheny's authority in this market is without foundation. As we explained earlier, the guidelines are not rigid barriers to reason. Where, as here, there is no reasonable objection by an affected carrier for going beyond the guidelines, we have consistently done so, not only here but in previous route realignment proceedings as well.

[27] The Board has considered and uniformly disposed of similar claims since the inception of the current local service carrier route realignment program. See, for example, Hughes Airwest, Route Realignment, Order 72-9-58 (September 14, 1972), at 4-5.

[28] Chicago - Cincinnati - Columbus - Dayton; Grand Rapids-New York-Columbus-Dayton; South Bend-New York-Columbus-Dayton.

[29] It points out that as a practical matter its circuity will improve only in the three markets where nonstop authority is contemplated (Grand Rapids-Dayton and South Bend-Columbus/Dayton)

obejctions in the North Central realignment proceeding as the dispositive factor in rejecting its arguments here. But, we pointed out in Order 74–8–28 that the amendment of Allegheny's authority in these nine markets proceeds upon its own merits in light of the carrier's route structure, and the dissimilarity of North Central's route structure, and "North Central's own acquiescene is unrelated logically and procedurally to the public interest criteria we have employed to realign Allegheny's system" (at 6). Thus, we see no inevitable nexus between the proposed realignments of North Central and Allegheny in these markets such as would *necessarily* require equivalent authority for both carriers, or a comparative hearing.

Finally, we note that North Central has sought authority equivalent to Allegheny's by amendment of its own realignment requests in Docket 25706, as we suggested it was free to do in Order 74–8–28 (at 6). We remain of the conviction that the proper forum for North Central's arguments is its own realignment proceeding. We will consider its requests therein on their merits. In this connection, it should be clear that nothing we have said herein reflects in any way upon what the Board may find to be in the public interest in that proceeding.

THE NORFOLK-PITTSBURGH MARKET

Allegheny requests that the Board modify the two-stop restriction imposed in this market by authorizing unrestricted one-stop service or, at worst, by authorizing one-stop operations over Philadelphia, which is its current best authority. It asserts that such modification would be consistent with the guidelines for realignment in this case, that although United has objected to nonstop rights it has not opposed one-stop authority (requested previously by Allegheny as an alternative to nonstop rights), and that Allegheny has carried most of the on-line traffic in the market in recent years (95 percent in 1973). The Norfolk Port and Industrial Authority requests that the Board not deny Allegheny the one-stop routing over Philadelphia, which that carrier may now operate, in the realigned certificate. Both parties aver that the imposition of the two-stop restriction must have been inadvertent inasmuch as it was not specifically discussed in the Board's order.

To begin with, it is not the case that the Board failed to consider this market simply because we did not specifically discuss it in the text of our order amending Allegheny's certificate (Order 74–8–28). Because of the numerous markets involved in this proceeding, we have not, from the beginning, specifically addressed every market in contention (see Order 73–10–24 at 6, footnote 10), relying instead upon the attached appendices and certificate to show our disposition of the various contentions to the extent not textually discussed. A careful reading of Order 74–8–28 will show that we did in fact consider the Norfolk-Pittsburgh two-stop restriction.[20]

Upon careful consideration of this market's characteristics and the arguments of the parties, we have decided to grant Allegheny's request for unrestricted one-stop authority in the Norfolk-Pittsburgh market. As Allegheny and the NPIA have noted, this step is consistent with our established guidelines for realignment in this case, *i.e.*, the presumption favoring removal of specific mandatory intermediate stops, the requirement of one more stop than the best competitive service,[21] and the premise that, in general, realigned authority will not be made inferior to existing authority. Moreover, Allegheny has traditionally been a major carrier in the market, and we see no reason to reduce its authority and thereby alter existing competitive relationships substantially and deprive the traveling public of Allegheny's services. While United has opposed the grant of nonstop authority previously requested by Allegheny, it has not objected to one-stop rights (Allegheny's fall-back request), nor has it sought a reduction of Allegheny's existing authority in the market, namely one-stop over Philadelphia.

While we could of course specify Philadelphia as a mandatory stop, thus maintaining the *status quo*, we are reluctant to do so in light of the objectives of scheduling flexibility and service improvement inherent in the route realignment program. In any event, it does not appear that any cognizable competitive considerations compel such a result. The Philadelphia circuity is 45 percent; [22] however, in terms of traffic generation, Philadelphia will still be the strongest intermediate point available to Allegheny. Thus, the grant of unrestricted one-stop authority would not measurably improve Allegheny's authority in this market, but would merely give it additional weaker intermediate points, such as Harrisburg, over which it could satisfy its one-stop requirement. This makes it unlikely that the minor liberalization we are granting here will impact adversely upon United or any other carrier in the market.[23] Accordingly, the Board finds that it is in the public interest to grant Allegheny unrestricted one-stop authority in the Norfolk-Pittsburgh market.

OTHER MATTERS

The realignment of Allegheny's certificate as effectuated in Docket 24576 renders moot a number of outstanding applications by Allegheny and its predecessors (Lake Central and Mohawk) for various amendments to their route authority. These applications are contained in the following dockets: 17439, 18155, 20843, 23013, and 23037. As a housekeeping measure, therefore, we are hereby dismissing the applications in those dockets. Also, Olean, New York, was deleted effective August 26, 1974, by Order 74–5–111 (May 23, 1974) and 74–7–109 (July 24, 1974). We will alter Allegheny's certificate to reflect this fact. We find that no further license fee pursuant to section 389.25 of the Organization Regulations will be required as a result of any changes in authority made by this order.

Accordingly, it is ordered, That: 1. The petitions for reconsideration in Docket 24576 of Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., the Norfolk Port and Industrial Authority, Ozark Air Lines, Inc., and Southern Airways, Inc., be and they hereby are granted;

2. The petitions for reconsideration in Docket 24576 of North Central Airlines, Inc., and Piedmont Aviation, Inc., be and they hereby are denied;

3. The findings and conclusions set forth in Order 74–8–28 (August 8, 1974), as modified herein, be and they hereby are reaffirmed;

4. An amended certificate of public convenience and necessity for route 97 in the form attached hereto [24] be issued to Allegheny Airlines, Inc.;

5. Such certificate shall be signed on behalf of the Board by its Secretary, shall have affixed thereto the seal of the Board, and shall be effective on October 11, 1974: *Provided, however,* That prior to the date on which this amended certificate would otherwise become effective, the Board on its own motion may by order or orders extend such effective date from time to time;

6. The motion of Allegheny Airlines, Inc. for leave to file an unauthorized reply be and it hereby is granted;

7. Except to the extent granted herein all applications, requests, and motions involved in Docket 24576 be and they hereby are denied;

8. The applications in Dockets 17439, 18155, 20843, 23013, and 23037 be and they hereby are dismissed as moot; and

9. A copy of this order shall be served upon the parties listed in Appendix B.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[20] See Order 74–8–28 at 3 (footnote 8) and Appendix B.

[21] United presently serves the market with one nonstop round trip daily.

[22] Allegheny claims 49.5 percent.

[23] Similar considerations prompted us to remove Buffalo as a mandatory intermediate stop in certain Minneapolis-east markets, see Order 74–8–28 at 5–6.

[24] Text of certificate is filed as part of the original document.

APPENDIX A.—*Markets in which objections have been filed and authority granted in light of objections*

Objecting party	Market	Stop authority	
		Proposed	Granted
Allegheny-Norfolk Port and Industrial Authority.	Norfolk-Pittsburgh.	2	1
American	Cleveland-Louisville.	1	[1]1
Delta	Indianapolis-Memphis.	1	2
North Central	Grand Rapids-Columbus-Dayton	0	0
	New York	1	1
	South Bend-Columbus.	0	0
	Dayton	0	0
	New York	1	1
	Chicago-Cincinnati.	1	1
	Columbus	1	1
	Dayton	1	1
Ozark	Indianapolis-Nashville.	0	1
Piedmont	Boston-Norfolk.	0	0
Southern	Memphis-Nashville.	0	[2]0

[1] Except Dayton.
[2] Long haul restriction.

APPENDIX B—ALLEGHENY ROUTE REALIGNMENT SERVICE LIST

This order is being served on the following:

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Johnstown, Pa.	Portsmouth, Va.
Kalamazoo, Mich.	Poughkeepsie, N.Y.
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Kokomo, Ind.	Reading, Pa.
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Lima, Ohio	Salisbury, Md.
Logansport, Ind.	Sandusky, Ohio
Louisville, Ky.	Saranac Lake, N.Y.
Martinsburg, W. Va.	Scranton, Pa.
Mansfield, Ohio	South Bend, Ind.
Marietta, Ohio	St. Paul, Minn.
Massena, N.Y.	Springfield, Mass.
Memphis, Tenn.	State College, Pa.
Minneapolis, Minn.	Syracuse, N.Y.
Morgantown, W. Va.	Terre Haute, Ind.
Muncie, Ind.	Toledo, Ohio
Nashville, Tenn.	Trenton, N.J.
Newark, N.J.	Utica, N.Y.
New Castle, Ind.	Virginia Beach, Va.
New Haven, Conn.	Washington, D.C.
New London, Conn.	Watertown, N.Y.
Newport News, Va.	Wheeling, Pa.
New York, N.Y.	White Plains, N.Y.
Niagara Falls, N.Y.	Wilkes-Barre, Pa.
Norfolk, Va.	Williamsburg, Va.
Ogdensburg, N.Y.	Williamsport, Pa.
Oil City, Pa.	Wilmington, Del.
Olean, N.Y.	Worcester, Mass.
Parkersburg, W. Va.	Youngstown, Ohio
Peru, Ind.	York, Pa.
Philadelphia, Pa.	Yorktown, Ohio
Phillipsburg, Pa.	Zanesville, Ohio

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Division of Aviation
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Pennsylvania Department of Transportation
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Boston-Logan Airport
East Boston, Massachusetts 02128

Indiana Aeronautics Commission
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Michigan Aeronautics Commission
Department of Commerce
Capital City Airport
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Minnesota Department of Aeronautics
St. Paul Downtown Airport
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St. Paul, Minnesota 55107

Missouri Division of Commerce & Industrial Development
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Jefferson City, Missouri 65101

Tennessee Aeronautics Commission
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Airport Station
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Vermont Aeronautics Board
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Virginia State Corporation Commission
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Illinois Department of Aeronautics
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[FR Doc.74-24058 Filed 10-15-74;8:45 am]

[Docket 25280; Order 74-10-54]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

OCTOBER 9, 1974.

Issued under delegated authority, October 9, 1974.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of resolution 590 dealing with specific commodity rates.

The agreements name additional specific commodity rates as set forth below, reflecting reductions from general cargo rates; and were adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated October 1, 1974.

Agreement, C.A.B.—	Specific commodity item No.	Description and rate
24635	0007N	Fresh fruits and vegetables[1] 96 cents per kilogram, minimum weight 200 kgs. From Los Angeles to Okinawa.
24636	0006	Foodstuffs, spices, and beverages, N.E.S. 43 cents per kilogram, minimum weight 500 kgs. From Guam to Okinawa.

[1] See tariffs for complete commodity item description.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreements are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered that: Agreement C.A.B. 24685 and Agreement C.A.B. 24686 are approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-24057 Filed 10-15-74;8:45 am]

[Docket 25513; Order 74-10-44]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Passenger Fare Matters

OCTOBER 8, 1974.

Issued under delegated authority, October 8, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economics Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the North/Mid Atlantic Traffic Conference held in Montreux during August, 1974.

The agreement involves technical amendments to certain Canadian proportionals used in constructing through fares between Canada and Europe, and would also affect Detroit due to that city's proximity to Windsor. The agreement would allow Detroit-Europe routings via Washington, D.C. at no added charge, notwithstanding the higher intermediate fares at Washington, since Detroit fares have been held to the Windsor levels and all Canadian points were excluded from the general eastbound fare increase effective August 1, 1974.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the following resolutons, which are incorporated in Agreement C.A.B. 24639 as indicated, are adverse to the public interest or in violation of the Act:

Agreement, C.A.B.	IATA No.	Title	Application
24639:			
R-1	015(I)	North Atlantic Proportional Fares-North American-*Expedited* (Amending).	¼
R-2	015(II)	North Atlantic Proportional Fares-North American-*Expedited* (Amending).	¼

Accordingly, it is ordered that: Agreement C.A.B. 24639 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-24056 Filed 10-15-74;8:45 am]

[Docket 26856; Order 74-10-49]

UNITED AIR LINES, INC.

Order Regarding Expiration Date for Existing Discount Fares

OCTOBER 9, 1974.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of October 1974.

By petition dated July 8, 1974, United Air Lines, Inc. (United) requests that the Board issue an order directing the carriers to show cause why an expiration date of December 8, 1974 should not be placed on all existing discount fares which are not now marked to expire.

In support of its request, United alleges that one of the general policies adopted in Phase 5 (Discount Fares) of the *Domestic Passenger-Fare Investigation* (DPFI) was that "* * * promotional fare tariffs should contain expiration dates not to exceed 18 months from the effective date * * *." The carrier states that the industry continues to publish the vast majority of its discount fares without expiration dates, none of which has been demonstrated to meet the profit impact test as required by the Phase 5 decision. Many of these discount fares will allegedly remain without expiration dates if implementation of the Board's policy continues to be left to the carriers. An expiration date of December 8, 1974 is urged as providing the carriers ample opportunity to justify the fares.

Answers in support of United's petition have been filed by Eastern Air Lines, Inc. (Eastern) and Trans World Airlines, Inc. (TWA), while Allegheny Airlines, Inc. (Allegheny) and Frontier Airlines, Inc. (Frontier) have answered in opposition

to the request.[1] Allegheny alleges that United's petition represents an unwarranted attempt to expand the effect of the Board's Phase 5 decision, which focused upon only three major discount fares, and that other existing discount fares were not in issue. No evidence was submitted as to these fares, and the Board made no findings and conclusions with respect to them. Allegheny contends that an order directing an expiry date would be tantamount to suspension, and that such action is beyond the scope of the Board's suspension powers. Frontier also contends that United misinterprets the intent of the Phase 5 decision in claiming that that decision calls for the placement of expiration dates on pre-Phase 5 discount fares. It further contends that no facts have been presented for now requesting that minor pre-Phase 5 discount fares be eliminated, and the low usage of those fares in Frontier's case does not warrant such action.

In the Board's opinion, it is wholly consistent with the essential rationale of our decision in Phase 5 of the *DPFI* to require an expiration date on all discount fares, including those existing at the time of that decision. There the Board determined that, as a general proposition, discount fares which do not meet the full cost of service burden the air transportation system in the long run and may be justified only as short term measures designed to combat short-run situations of unused capacity. To the extent that the Discover America fares (which were otherwise found not unlawful) would extend for an indefinite period into the future, the Board found that they would burden the normal fare paying passenger and therefore are unjust and unreasonable. Accordingly, the Board directed the carriers to mark their Discover America tariffs to expire no later than 18 months following the Board's final decision.[2]

While our Phase 5 decision was applicable in terms only to the specific discount fares at issue in that case, its general principles and rationale cover all promotional fares. Accordingly, the Board tentatively finds that the discount fares hereinafter described are unjust and unreasonable to the extent that they apply for indefinite periods into the future, and that the tariffs embodying these fares should be marked so as to expire in accordance with the schedule hereinafter set forth.

Allegheny and Frontier infer that the result of placing an expiry date on existing discount fares will be their cancellation. This misrepresents the intent of an expiration date, which is merely to provide for periodic reevaluation of whether or not a particular discount-fare program has proven profitable in the past and can be expected to continue so in the future. If such a demonstration cannot be made, it should expire. In essence, an expiry date on all discount fares accomplishes the continuing review of promotional programs which we would expect of prudent management in any event. By this order, the Board proposes that no later than January 1, 1975, the carriers will file tariff revisions placing expiration dates indicated below on all discount fares not now bearing an expiration date. Thereafter, the carriers would be free to propose and justify extension of the fares for an additional period of no more than 18 months under the normal tariff filing procedure.[3]

The objectors also suggest that because Phase 5 focused upon only three major discount fares and since no evidence was submitted with respect to other existing discount fares, it would be inappropriate to deal with these fares by means of a show cause proceeding. To the contrary, the issue involved here does not involve the economics of any fare, but rather a policy determination as to whether all such fares should bear an expiration date. That broad issue was the subject of our detailed findings in Phase 5 which were predicated in turn upon the extensive record in the *DPFI*. This being the case it is our tentative view that a hearing would serve no useful purpose. However, the Board will entertain arguments on this point. Those parties advocating the need for hearing should detail the reasons therefor, and those facts they intend to develop in a hearing.

Because of the administrative difficulty of simultaneously reviewing all discount fares not now bearing an expiration date, the Board proposes to follow a phased approach. For this reason, and since we also believe it desirable to provide for both objections and responses to this order, we conclude that the December 8, 1974 expiration date proposed by United is not feasible. In lieu thereof, we propose that all group fares not now bearing expiration dates be marked to expire March 31, 1975; that all individual tour-basing fares not now bearing an expiration date be marked to expire June 30, 1975; and that all other individual discount fares not now bearing an expiration date be marked to expire September 30, 1975.[4]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, and 404 thereof,

It is ordered that: 1. All interested parties, and all scheduled certificated air carriers are hereby directed to show cause why the Board should not make final its tentative findings and conclusions herein and order the respective carriers to place, no later than January 1, 1975, the following expiration dates on discount fares not now bearing an expiration date applicable to air transportation of persons within the 48 contiguous states and the District of Columbia:

Type of discount fare:	*Expiration date (1975)*
(a) Group (tour-basing and non-tour basing).	Mar. 31.
(b) Individual tour basing	June 30.
(c) All other types of discount fares not included in (a) and (b) above.	Sept. 30.

All objections to this paragraph shall be filed within 20 days after the service of this order and responses to objections shall be filed within 10 days thereafter;

2. Parties requesting a hearing in this matter shall set forth in detail the reasons therefor, accompanied by a statement of the facts they intend to develop in a hearing;

3. The motions of Frontier Airlines, Inc., and Trans World Airlines, Inc. for leave to file an otherwise unauthorized document (late-filed answers to the petition of United Air Lines, Inc. in Docket 26856) are hereby granted; and

4. Copies of this order be served upon all scheduled certificated air carriers providing air transportation within the 48 contiguous states and the District of Columbia.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND.
Secretary.

[FR Doc.74-24055 Filed 10-15-74;8:45 am]

[1] We will grant the motions of Frontier and TWA for leave to file late answers.

[2] Order 72-12-18, December 5, 1972, pages 51-59.

[3] We believe it would be in the carriers' best interest, in seeking extension of any or all of their discount fares beyond the indicated expiration dates, if they did not limit their filings to the 30-day statutory requirement.

[4] Military leave, clergy, and children's fares are excluded.

COMMISSION ON CIVIL RIGHTS

ARIZONA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Arizona State Advisory Committee (SAC) to this Commission will convene at 9:30 a.m. on November 7, 1974, at 1026 Federal Building, 230 North First Avenue, Phoenix, Arizona 85025.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80282.

The purpose of this meeting shall be to hold a press conference to discuss the Equal Rights Amendment.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., October 8, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-24051 Filed 10-15-74;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee (SAC) to this Commission will convene at 4 p.m. on November 14, 1974, at the Phelps Stokes Fund, 10 East 87 Street, New York, New York 10028.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss the status of the Asian American report.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., October 8, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-24052 Filed 10-15-74;8:45 am]

VERMONT STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont State Advisory Committee (SAC) to this Commission will convene at 7 p.m. on November 7, 1974, at the Tavern Motor Inn, Montpelier, Vermont 05602.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss possible projects to be undertaken by the Vermont SAC during FY 1976.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., October 8, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-24053 Filed 10-15-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Change of Meeting Date

OCTOBER 10, 1974.

On October 4, 1974, there was published in the FEDERAL REGISTER (39 FR 35841) a notice announcing that a meeting of the Management-Labor Textile Advisory Committee would be held on November 4, 1974 at 2 p.m. in Room 6802, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230. The purpose of this notice is to advise that the date of that meeting has been changed to November 19, 1974. The time and location of the meeting remain the same.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.74-24059 Filed 10-15-74;8:45 am]

DEFENSE MANPOWER COMMISSION

CHANGE OF LOCATION OF MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that the Commissioners of the Defense Manpower Commission will meet on October 18, 1974, at 1 p.m. in room 460, 1111 20th Street, NW., Washington, D.C. This notice is issued to reflect a change in location of the meeting as included in the original notice published in the FEDERAL REGISTER on Tuesday, October 1, 1974.

The purpose of the meeting will be to review staff progress and to discuss the Commission Study Plan.

The meeting will be open to the public. Since meeting space is limited, interested persons wishing to attend should telephone (202) 254-7803.

Dated: October 10, 1974.

BRUCE PALMER, JR.,
General, USA (Ret.), Executive Director.

[FR Doc.74-24031 Filed 10-15-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 275-7; OPP-32000/124]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, DC 20460.

On or before December 16, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesicide Programs, 401 M Street, SW., Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until after December 16, 1974. If no claims are received on or before December 16, 1974, the 2(c) application will be processed according to normal procedure. However, if claims are received on or before December 16, 1974, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after December 16, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 1029-RRT. Aldex Corp., 1024 N. 17th St., Omaha NB 68102. FLY-BAN EXTRA FLY KILLER. Active Ingredients: 2,2-Dichlorovinyl dimethyl phosphate (DDVP) 0.93%; Related compounds 0.07%; Ronnel (O,O-dimethyl O-2,4,5-trichlorophenyl phosphorothioate) 0.25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8959-EN. Applied Biochemists, Inc., 5300 W. County Line Rd., Mequon WI 53092. CUTRINE-PLUS II ALGAECIDE. Active Ingredients: Copper as elemental 10.88%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8612-TT. B & G Co., PO Box 20372, Dallas TX 75220. B & G TARLA-DIPHAS BLUE. Active Ingredients: Sodium Salt of Diphacinone=2-Diphenylacetyl-1,3-Indandione 0.005%. Method of support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8612-TA. B & G Co. B & G TARLA-DIPHAS. Active Ingredients: Sodium Salt of Diphacinone=2-Diphenylacetyl-1,3-Indandione 0.005%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8612-TU. B & G Co. B & G TARLA-DIPHAS RED. Active Ingredients: Sodium Salt of Diphacinone=2-Diphenylacetyl-1,3-Indandione 0.005%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8612-TL. B & G Co. B & G TARLA-DIPHAS GREEN. Active Ingredients: Sodium Salt of Diphacinone=2-Diphenylacetyl - 1,3 - Indandione 0.005%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1459-UE. Bullen Chemical Co., Hook Rd., Folcroft PA 19032. FAST ACTING RESIDUAL SPRAY CONTAINS DIAZINON & PYRENONE. Active Ingredients: O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.261%; Petroleum Distillate 98.608%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1459-UR. Bullen Chemical Co., Hook Rd., Folcroft PA 19032. WATER BASE GENERAL PURPOSE INSECTICIDE. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, technical 1.0%; Petroleum distillate 0.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 677-GEI. Diamond Shamrock Chemical Co., Agricultural Chemicals Div., 1100 Superior Ave., Cleveland OH 44114. DACAMOX ST (SEED TREATER). Active Ingredients: 3,3-dimethyl-1-(methylthio-2-butanone O-[(methylamino)-carbonyl] oxime 39.4%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 677-GET. Diamond Shamrock Chemical Co., Agricultural Chemicals Div., 1100 Superior Ave., Cleveland OH 44114. Active Ingredients: 3,3-dimethyl-1-(methylthio-2-butanone O-[(methylamino)-carbonyl] oxime 10.0%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA Reg. No. 279-2712. FMC, Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. FURADAN 10 GRANULES. Active Ingredients: Carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl methylcarbamate) 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 654-RRG. Federal Chemical Co., Inc., 2530 Winthrop Ave., Indianapolis IN 46205. LAWN-GARD. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 25.0%; Aromatic Petroleum Derivative Solvent 55.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905-UGG. Helena Chemical Co., Clark Tower, 5100 Poplar Ave., Memphis TN 38137. 5% CYTHION DUST THE PREMIUM GRADE MALATHION. Active Ingredients: Malathion 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905-UGU. Helena Chemical Co. 10% SEVIN DUST. Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905-UGA. Helena Chemical Co. 5% SEVIN DUST. Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905-UGL. Helena Chemical Co. 10% CYTHION DUST THE PREMIUM GRADE MALATHION. Active Ingredients: Malathion 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 334-UNL. Hyman Corp., 919 West 38th St., Chicago IL 60609. VIGATE 4 AIR SANITIZER DEODORIZER. Active Ingredients: Triethylene Glycol 3.50%; Propylene Glycol 3.00%; Methyldodecylbenzyl Trimethylammonium Chloride 0.16%; Methyldodecyxylylene Bis (Trimethylammonium Chloride) 0.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 334-UNA. Hyman Corp., 919 West 38th St., Chicago IL 60609. VIGATE 3 AIR SANITIZER DEODORIZER. Active Ingredients: Triethylene Glycol 3.50%; Propylene Glycol 3.00%; Methyldodecylbenzyl Trimethylammonium Chloride 0.16%; Methyldodecylxylylene Bis (Trimethylammonium Chloride) 0.04%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8046-L. Magnolia Chemicals & Solvents, Inc., Industrial Chemicals, PO Box 10354, Jefferson LA 70181. PINE OIL FOR MANUFACTURING GERMICIDES. Active Ingredients: Pine Oil 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7001-ENE. Occidental Chemical Co., A Div. of Occidental Petroleum Corp., PO Box 198, Lathrop CA 95330. ETHYL METHYL PARATHION 6-3 EC. Active Ingredients: Parathion (O-O-diethyl O-p-nitrophenyl thiophosphate) 57.6%; O-O-dimethyl O-p-nitrophenyl thiophosphate 28.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 432-LGA. S. B. Penick & Co., 100 Church St., New York NY 10007. SBP-1382/BIOALLETHRIN AQUEOUS PRESSURIZED SPRAY FOR HOUSE AND GARDEN. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.028%; d-trans Allethrin (allyl homolog of Cinerin I) 0.150%; Related compounds 0.012%; Aromatic petroleum hydrocarbons 0.272%; Petroleum Distillate 6.500%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 70-ENN. Rigo Co., 1200 Fort Wayne Bldg., Fort Wayne IN 46802. KILLKO NEW TOMATO DUST. Active Ingredients: Endosulfan (Hexachlorohexahydromethane-2,4,3-benzodioxathiepin oxide) 4.0%; Maneb (Manganese ethylene bisdithiocarbamate) 6.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 538-REI. O. M. Scott & Sons, Marysville OH 43040. (SCOTTS) VEGETABLE GARDEN WEED PREVENTER. Active Ingredients: Dimethyl tetrachloroterephthalate 5.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12123-G. Sherwood Chemicals Ltd., PO Box 25, Westville NJ 08093. SHERWOOD GENERAL PURPOSE INSECTICIDE. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, technical 1.0%; Petroleum distillate 0.4%. Method of Support: Application proceeds under 2(c) of interim policy.

Republished Items

The following items represent corrections and/or changes in the list of Applications Received previously published in the Federal Register of September 24, 1974 (39 FR 34329).

EPA File Symbol 7350-RL Chaska Chemical, 304 Masters Ave., Savage MN 55378. TAC-SAN PLUS. Originally published as EPA File Symbol 7350-P.

EPA File Symbol 4823-LN. Coastal Chemical Co., 190 Jony Dr., Carlstadt NJ 07072. ISO CLOR SUPER CHLORINE POWDER. Originally published as CLOR SUPER CHLORIDE POWDER.

Dated: October 3, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-23594 Filed 10-15-74;8:45 am]

FEDERAL MARITIME COMMISSION

GULF/UNITED KINGDOM CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 5, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Modification of Agreement

Notice of agreement filed by:

Leon M. Paine, Jr., Secretary
Gulf/United Kingdom Conference
Suite 927 Whitney Building
New Orleans, Louisiana 70130

Agreement No. 161-28, among the member lines of the Gulf/United Kingdom Conference, modifies the organic agreement to provide specific authority for

the Conference to enter into an agreement with another carrier, not a member thereof, as a single party unless otherwise provided therein.

Dated: October 9, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-24060 Filed 10-15-74;8:45 am]

LAVINO SHIPPING CO., ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 29, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

LAVINO SHIPPING COMPANY
AND
JAPAN LINES, LTD.

KAWASAKI KISEN KAISHA, LTD.

MITSUI O.S.K. LINES, LTD.

NIPPON YUSEN KAISHA
YAMASHITA-SHINNIHON STEAMSHIP CO., LTD.

Notice of agreement filed by:

Francis A. Scanlan, Esq.
Deasey, Scanlan & Bender, Ltd.
Suite 2900
Two Girard Plaza
Philadelphia, Pa. 19102

Agreement No. T-2695-2, between Lavino Shipping Company (Lavino) and Japan Lines, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, and Yamashita-Shinnihon Steamship Co., Ltd. (the Lines) modifies the basic agreement between the parties under which Lavino furnishes the Lines comprehensive container stevedoring, terminal, and LCL services at its Packer Avenue Marine Terminal, located in Philadelphia, Pennsylvania. The purpose of the modification is to extend the term of the agreement to October 24, 1975.

Dated: October 9, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-24061 Filed 10-15-74;8:45 am]

PHILIPPINES NORTH AMERICA CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 5, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elkan Turk, Jr., Esquire
Burlingham Underwood & Lord
25 Broadway
New York, New York 10004

Agreement No. 5600-31 modifies the approved basic agreement of the Philippines North America Conference by deleting certain obsolete terms and substituting appropriate current terms therefor as set forth in the agreement.

Dated: October 10, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-24062 Filed 10-15-74;8:45 am]

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 5, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esquire
Billig, Sher and Jones, P. C.
Suite 300
1126 Sixteenth Street, NW.
Washington, D.C. 20036

Agreement No. 9548-6, among the member lines of the North Atlantic Mediterranean Freight Conference, modifies the basic agreement by (1) extending its jurisdiction to include inland points in countries bordering on the Mediterranean Sea (except Spain and Israel), Sea of Marmara and the Black Sea; (2) prohibiting member lines from generating business through the use of favors, gifts or special concessions; (3) establishing new self-policing and enforcement procedures.

Dated: October 10, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-24063 Filed 10-15-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI74-259]

AZTEC GAS SYSTEMS, INC.

Order Granting Petition for Special Relief

OCTOBER 8, 1974.

On June 13, 1974, Aztec Gas Systems, Inc. (Aztec) [1] filed a petition pursuant to

section 4 of the Natural Gas Act[2] and § 2.76 of the Commission's General Policy and Interpretations[3] requesting relief from the applicable Permian Basin Area rate of 23 cents at 14.65 psia for sales of natural gas to El Paso Natural Gas Company (El Paso). Aztec seeks a rate increase to 35 cents per Mcf at 14.65 psia for sales of gas to El Paso from two wells on the Shannon Estate, Shannon "P" and "T" Leases, N.E. Todd Field, Crockett County, Texas. The wells are presently shut-in. El Paso has agreed to the increase in a May 29, 1974, amendment to its February 16, 1967 base contract.

Aztec avers that if the economic relief requested is granted, it will be able to acquire new compressors for the currently shut-in subject wells and will then be able to produce 211,000 Mcf of gas over an estimated 14-month period. Based on reserve and cost data requested by Staff, a Staff unit cost of gas study was made (attached as an appendix hereto) which shows that the relief that Aztec seeks is justified.

Aztec's petition was noticed on June 21, 1974 and appeared in the FEDERAL REGISTER on July 1, 1974 at 39 FR 24268. No petition to intervene was filed.

The Commission finds: Aztec's petition is justified and, it is in the public interest that it should be granted.

The Commission orders: Aztec's petition for special relief filed June 13, 1974, is hereby granted. Aztec is allowed to collect 35 cents per Mcf at 14.65 p.s.i.a., pursuant to its May 29, 1974, contract amendment with El Paso have been filed in Docket No. CS70-20.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-23966 Filed 10-15-74;8:45 am]

[Docket Nos. E-8137; E-8217]

BOSTON EDISON CO.

Extension of Time

OCTOBER 8, 1974.

On October 4, 1974, Boston Edison Company filed a motion to extend the date for filing rebuttal testimony, as fixed by notice issued August 20, 1974, in the above-designated matter. The motion states that the other parties have no objection to the extension.

Upon consideration, notice is hereby given that the date for filing rebuttal evidence in the above matter is extended to and including October 15, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-23967 Filed 10-15-74;8:45 am]

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[1] Aztec was issued a small producer certificate in Docket No. CS70-26.

[2] 15 U.S.C. § 717, *et seq.*

[3] *Order Promulgating Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices,* Order No. 481, Docket No. R-458, 49 FPC 992 (issued April 12, 1973 18 CFR § 2.76).

[Docket No. CI75-185]

CLINTON OIL CO.

Application

OCTOBER 8, 1974.

Take notice that on September 23, 1974, Clinton Oil Company (Applicant), P.O. Box 1201, Wichita, Kansas 67201, filed in Docket No. CI75-185 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation from the South Lake Sand Area, East Cote Blanche Bay, Iberia Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 3,000 Mcf of gas per day for two years at 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment and a deduction of 0.02 cent per Mcf per mile for the transportation of liquefiable hydrocarbons, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before October 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-23968 Filed 10-15-74;8:45 am]

[Docket No. RP75-20]

MISSISSIPPI RIVER TRANSMISSION CORP.

Filing of Proposed Changes in Rates

OCTOBER 8, 1974.

Take notice that on October 1, 1974, Mississippi River Transmission Corporation (Mississippi) tendered for filing proposed changes in its FPC Gas Tariff to be effective on November 1, 1974, consisting of the following revised tariff sheets:

--------	Revised Sheet No. 3A
Twelfth	Revised Sheet No. 5
Tenth	Revised Sheet No. 6
Third	Revised Sheet No. 27E

According to Mississippi, the proposed changes would: (1) increase revenues from jurisdictional sales by $14,166,924 based on adjusted sales for the test period (twelve months ended June 30, 1974, as adjusted); (2) change the unauthorized overtake charges under Rate Schedule CD-1 to Mississippi's tariff and (3) change the base average unit cost of gas purchased from independent producers as contained in the purchased gas cost adjustment section to Mississippi's tariff.

Mississippi states that the changes in the authorized overtake charges under Rate Schedule CD-1 are required in view of the commodity charge level under such rate schedule and current costs of peak-shaving supplies. Accordingly, Mississippi requests that Twelfth Revised Sheet No. 5 and Tenth Revised Sheet No. 6 (reflecting the changes in unauthorized overtake charges) be permitted to become effective November 1, 1974, as proposed even if the Commission should suspend the rest of the filing beyond such date.

Mississippi states that the increased rates are required to reflect: an increase in rate of return to 12.125%, which would permit a return on equity of 14%; an increase in depreciation rate to 5%; increases in the cost of material, supplies and wages; and increases in property, ad valorem, payroll and income taxes.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-23969 Filed 10-15-74;8:45 am]

[Docket No. RP74-101]

NATIONAL FUEL GAS SUPPLY CORP.

Filing of Tariff Sheets

OCTOBER 8, 1974.

Take notice that on September 23, 1974, National Fuel Gas Supply Corporation (National) tendered for filing Second Revised Sheet No. 2 to National's FPC Gas Tariff Original Volume No. 2. This tariff sheet is proposed to be effective October 1, 1974, superseding First Revised Sheet No. 2.

According to National, this sheet reflects an annual increase of $74,205 pursuant to section 4 (Purchased Gas Adjustment) of its tariff, and is necessitated by increased costs from National's suppliers. National requests waiver of § 4.6 (45 day notice provision) of its tariff and waiver of any Commission Regulations as may be required to permit this sheet to become effective October 1, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 16, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-23971 Filed 10-15-74;8:45 am]

[Docket No. RP74-101]

NATIONAL FUEL GAS SUPPLY CORP.

Filing of Tariff Sheet

OCTOBER 8, 1974.

Take notice that on September 26, 1974, National Fuel Gas Supply Corporation (National) tendered for filing Third Revised Sheet No. 2 to National's FPC Gas Tariff, Original Volume No. 2. This tariff sheet is proposed to be effective October 1, 1974, superseding Second Revised Sheet No. 2.

According to National, this sheet reflects an annual increase of $128,621 over revenues generated by National's Second Revised Sheet No. 2, and this filing is being made pursuant to section 4 (Purchased Gas Adjustment) of National's tariff. National states that the increase is necessitated by increases from its supplier Transcontinental Gas Pipe Line Corporation. National requests waiver of § 4.6 (45 day notice provision) of its tariff and waiver of any Commission Regulations as may be required to permit this sheet to become effective as of October 1, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 16, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-23972 Filed 10-15-74;8:45 am]

[Docket No. CP71-50]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Petition To Amend

OCTOBER 8, 1974.

Take notice that on September 30, 1974, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP71-50 a petition to amend the order issued in said docket on December 7, 1970 (44 FPC 1541), pursuant to section 7(c) of the Natural Gas Act by authorizing an increase in the volume of exchange gas and an extension of the term of the exchange authorized in said docket, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

The petition states that by the December 7, 1970, order in this docket the Commission authorized Petitioner to construct and operate certain facilities for the purpose of exchanging gas with Phillips Petroleum Company (Phillips) and Michigan Wisconsin Pipe Line Company (Mich Wisc). Petitioner proposes, pursuant to an amendment, dated August 19, 1974, to the original agreement in the instant docket, to increase the authorized volume of exchange gas from 60,000 Mcf per day to 100,000 Mcf per day and to extend the period during which gas may be exchanged until July 31, 1979. Petitioner asserts that the original agreement in the instant docket would otherwise expire on October 3, 1974.

Petitioner states that the purpose of the August 19, 1974, amendment is to provide for the continuance of deliveries by Phillips to Mich Wisc for Petitioner's account at the outlet of Phipips' Sherman Plant in Hansford County, Texas, and to provide for an increase in volumes of exchange gas which may become available at the Sherman Plant.

Petitioner maintains that the benefits of the original exchange will be continued by the instant proposal and that said proposal will improve Petitioner's operating flexibility.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-23970 Filed 10-15-74;8:45 am]

[Docket No. E-8721]

NEVADA POWER CO.

Further Extension of Procedural Dates

OCTOBER 8, 1974.

On October 3, 1974, Staff Counsel filed a motion to further extend the procedural dates fixed by order issued May 31, 1974, as modified by notice issued September 5, 1974, in the above-designated matter. The motion states that all interested parties were contacted and none oppose the change.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, October 25, 1974.
Service of Intervenor's Testimony, November 15, 1974.
Service of Company's Rebuttal, December 2, 1974.
Hearing, December 12, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-23973 Filed 10-15-74;8:45 am]

[Docket No. RP73-111]

PACIFIC GAS TRANSMISSION CO.

Filing Petition for Authorization To Reflect in Cost of Service Charges an Increase in the Price of Canadian Gas

OCTOBER 8, 1974.

Take notice that on September 30, 1974, Pacific Gas Transmission Company (PGT) tendered for filing its petition for authorization to reflect in its cost of service charges commencing January 1, 1975, an increase in the price of gas imported from Canada. PGT states that its petition is being filed pursuant to the Commission's order issued September 3, 1974, in this docket.

PGT states that acting on the recommendations submitted by the National Energy Board of Canada (NEB), the Canadian government has instructed the NEB to amend existing export licenses to establish a border export price of not less than nor greater than $1.00 (Canadian) per MMBtu. PGT further states

that this price is to become effective on January 1, 1975, except as to gas produced in British Columbia, and exported to Northwest Pipeline Corporation in which case the new price is effective on November 1, 1974. According to PGT, the Canadian government also accepted the NEB's recommendation that current importers be given the option of continuing under existing pricing conditions for a period of up to two years. However, if this option is exercised, the export license will be terminated at the end of two years, or earlier if the importer so elects, and the gas will be reallocated to uses within Canada.

PGT states that the alternative of continuing to purchase gas under the present pricing arrangements and consequently having its import licenses terminated in two years would be unacceptable because maintenance of this source of supply is critical to the 2.4 million customers of Pacific Gas and Electric Company, (PG&E), PGT's sole customer.

According to PGT, the current price of gas purchased by PGT at the international boundary is approximately 70¢ per Mcf (or 67.30¢ per MMBtu), and the increase to $1.00 per MMBtu ordered by the Canadian government would result in an estimated annual increased cost to PG&E of $131,805,040 (U.S.).

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-23974 Filed 10-15-74;8:45 am]

[Project No. 2305]

SABINE RIVER AUTHORITY

Order Setting Hearing on Request for Exemption From Annual Charges

OCTOBER 8, 1974.

Sabine River Authority of Texas and Sabine River Authority, State of Louisiana, the licensees under the Federal Power Act for Project No. 2305, have applied for exemption from annual charges for the years 1970–73. The provisions for annual charges are set out in section 10(e) of the Federal Power Act (16 U.S.C. 803(e)) with respect to licensees under that Act. Project No. 2305 occupies lands of the United States and is also subject to the annual charge for administrative costs set out in section 10(e). Section 10(e) of the Act prescribes charges, *inter alia*, for use of lands of the United States and for administrative costs, to be paid by licensees under that Act.

Section 10(e) of the Act also provides for exemptions, *inter alia*, from charge where "licenses for the development, transmission, or distribution of power by States or municipalities shall be issued and enjoyed without charge to the extent such power is sold to the public without profit". It is under this part of the section that the licensees for Project No. 2305 seek exemption from the annual charge prescribed by section 10(e) of the Act, with respect to the charge for use of lands of the United States and for administrative costs.

Part II of the regulations under the Federal Power Act provides in part that "[a] State or municipal licensee may claim total or partial exemption upon one or more of the following grounds:

* * * * *

(2) To the extent that power generated, transmitted, or distributed by the project was sold directly or indirectly to the public (ultimate consumer) without profit;" (18 CFR 11.24(a)(2)).

(e) *Sales for resale.* Notwithstanding compliance by a State or municipal licensee with the requirements of paragraph (d) of this section, it shall be subject to the payment of annual charges to the extent that electric power generated, transmitted, or distributed by the project is sold to another State, municipality, person, or corporation for resale, unless the licensee shall show that the power was sold to the ultimate consumer without profit. The matter of whether or not a profit was made is a question of fact to be established by the licensee. (18 CFR 11.24(e)).

It should be noted that the "matter of whether or not a profit was made is a question of fact to be established by the licensee." (18 CFR 11.24(e)). (See, *Central Nebraska Public Power Irrigation District*, 5 FPC 165, 171 affirmed, 160 F. 2d 782; *Power Authority of the State of New York*, 31 FPC 93, 97.)

Power generated by the Toledo Bend Project No. 2305 is sold by the licensees to three utilities, Gulf States Utilities Company, Louisiana Power and Light Company and Central Louisiana Electric Company, which in turn resell the power to the ultimate consumer.

In view of the circumstances we think it appropriate that the licensees for Project No. 2305 be afforded an opportunity to show in a hearing why they believe they should be afforded exemption from the annual charges assessed pursuant to section 10(e) of the Act.

In accordance with the Commission's rules and regulations, 18 CFR 1.18, and in order to expedite the orderly conduct and disposition of the hearing, a prehearing conference should be held. This conference will provide an opportunity for the parties to submit and consider facts, arguments, offers of settlement, or proposals of adjustment, as may be forthcoming. There may also be considered the possibility of a simplification of the issues, stipulations of fact, or such other matters as may properly aid in expediting the proceeding.

The Commission finds: It is appropriate and in the public interest to hold a prehearing conference and such hearings as may be required, in order to afford the Sabine River Authority of Texas and Sabine River Authority, State of Louisiana, Licensees for Project No. 2305, the opportunity to show why they should be exempt from annual charges assessed pursuant to section 10(e) of the Act, with respect to the following issues:

(1) Whether in accordance with § 11.24 (a)(2) Licensees have made a showing that there was no profit to the Licensees resulting from the sale of power generated from Project No. 2305, and

(2) Whether in accordance with § 11.24 (e) Licensees have made a showing that power generated from Project No. 2305 and sold for resale was sold to the ultimate consumer without profit.

The Commission orders: (A) A prehearing conference before an Administrative Law Judge shall be held at 10:00 a.m. on October 29, 1974, in a hearing room at the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, respecting the issues set forth above concerning the claim for exemption from payment of annual charges under section 10(e) of the Federal Power Act and the Commission's Regulations with respect to sale of power generated at Project No. 2305.

(B) If the Administrative Law Judge finds that there is disagreement on the facts bearing on the exemption from annual charges, he shall schedule a hearing on the remaining factual issues to be followed by briefing and an initial decision in accordance with §§ 1.29 and 1.30 of the rules of practice and procedure.

(C) If the Administrative Law Judge finds no disagreement on material fact bearing on the question of an exemption from annual charges, he shall provide a briefing schedule to be followed by an initial decision in accordance with §§ 1.29 and 1.30 of the rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-23975 Filed 10-15-74;8:45 am]

[Docket Nos. RP75-16-1; RP75-17-1]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL. (STAUFFER CHEMICAL)

Petition for Extraordinary Relief

OCTOBER 8, 1974.

Take notice that on September 6, 1974, Stauffer Chemical Company (Stauffer) filed a petition for extraordinary relief, pursuant to § 1.7(b) of the Commission's rules of practice and procedure. Stauffer requests that the Commission order its supplier of natural gas, Eastern Shore Natural Gas Company (Eastern Shore) and Eastern Shore's sole supplier, Transcontinental Gas Pipe Line Corporation

(Transco), to exempt Stauffer and Eastern Shore, respectively, from the operation of Eastern Shore's and Transco's curtailment plans to the extent necessary to enable deliveries of natural gas to Stauffer's Delaware City plant of not less than 1,823,852 Mcf annually, with provision for monthly peak requirements of not less than 178,000 Mcf and daily peak requirements of not less than 6,800 Mcf. Stauffer further requests that, pending a hearing, the Commission afford it interim relief.

Stauffer states that it purchases natural gas for use in its Delaware City, Delaware Plant from Eastern Shore under a firm contract originally entered into in 1960, and under which Stauffer is presently entitled to daily deliveries of 7,050 Mcf. Stauffer's Delaware City plant produces carbon disulfide which is used in the production of cellophane, rayon, fungicides, agricultural chemicals, fluorocarbon refrigerators, carbon tetrachloride, and chemicals used in automobile tire manufacturing.

The Delaware City Plant is said to represent about one-half of Stauffer's company-wide production of carbon disulfide, which accounts for approximately 90% of the domestic production of cellophane and rayon yarn. Stauffer states that approximately 30% of the production of domestic fungicides and seed treatment chemicals are also dependent upon carbon disulfide produced at the Delaware City Plant, as are substantial volumes of other agricultural chemical products, fluorocarbon propellants and refrigerants.

Stauffer claims that the natural gas sought by its petition is needed as raw material for carbon disulfide production, as process heat in reactors which combine sulfur and purified natural gas to produce carbon disulfide, for incineration of toxic gases, and for miscellaneous uses, including an inert gas generator, flare pilots, auxiliary burners for a sulfur recovery unit, and flare and reactor purges. Stauffer alleges that the combined effect of Transco's and Eastern Shore's present curtailment plans, or Transco's proposed curtailment plan, would, according to advice received by it from Eastern Shore, result in substantial curtailments of Stauffer's deliveries during both the winter and summer seasons, and that the projected curtailments would render the Delaware City Plant inoperable for substantial periods of time, with consequent disastrous effects upon the production of the chain of items dependent upon carbon disulfide, such as cellophane, food packaging and distribution materials; rayon yarn, textile and apparel products, tires, home building materials, industrial fabrics, and others.

Stauffer alleges that the economic multiplier effect of the curtailment of its supply of natural gas that would result in the absence of extraordinary relief is such that in spite of the relatively small volume of gas involved, billions of dollars would be lost and thousands of jobs adversely affected as a result of the impact on the cellophane, food packaging, rayon, and agricultural chemicals industries. Stauffer further alleges that the loss of cellophane production alone would have a severe impact on the distribution of adequate supplies of foods and other commodities to ultimate consumers, since food packaging substitutes are not available and the food packaging industry would be unable to continue at existing levels of operation.

Stauffer states that grant of the relief sought would enable it to meet its customers' requirements of approximately 152,000 tons of carbon disulfide annually, essentially the same tonnage produced by it during 1972–73.

Stauffer claims that none of the natural gas deliveries sought by Stauffer in its petition would be used as boiler fuel.

A shortened notice period in this matter may be in the public interest. Any person desiring to be heard or to make protest with reference to said petition should, on or before October 25, 1974, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the proper action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-23976 Filed 10-15-74;8:45 am]

[Docket Nos. RP72-23; RP73-35]

TRUNKLINE GAS CO.

Extension of Procedural Dates

OCTOBER 8, 1974.

On September 19, 1974, Trunkline Gas Company filed a motion to extend the procedural dates fixed by Order issued July 31, 1974, in the above designated matter. The dates were deferred by notice issued September 25, 1974, pending further action on this motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Trunkline Evidence, October 15, 1974.
Service of Staff Evidence, November 26, 1974.
Service of Intervenor Evidence, December 10, 1974.
Service of Trunkline Rebuttal, December 24, 1974.
Hearing, January 6, 1975 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-23977 Filed 10-15-74;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST RANTOUL CORP.

Order Approving Formation of Bank Holding Company

First Rantoul Corporation, Urbana, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of The First National Bank of Rantoul, Rantoul, Illinois ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized for the purpose of becoming a bank holding company through acquisition of Bank, deposits of $16 million, representing .03 of 1 percent of the total commercial bank deposits in Illinois.[1] Bank is the eighth largest of the 20 commercial banks operating in the Champaign-Urbana SMSA banking market, and controls about 4 percent of total market deposits. The purpose of the proposed transaction is to convert ownership in Bank from individuals to a corporation owned by essentially the same individuals. Since Applicant has no present operations, consummation of the proposal would have no effect on existing or potential competition. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant are dependent upon those same conditions as they exist in Bank. Principals of Applicant acquired 80 percent of the stock of Applicant in recent months, and the Bank's financial condition has improved under the new ownership. Applicant will incur acquisition debt in connection with this proposal; however, based on Bank's present sound financial condition, its satisfactory management and past earnings, it appears that the projected dividends from Bank would be sufficient to provide the necessary funds for the retirement of Applicant's debt without placing a burden on Bank's capital position. Prospects for Applicant and Bank appear favorable. Accordingly, considerations relating to the banking factors are consistent with approval of the application.

Upon consummation of the proposal, Applicant intends to broaden Bank's services in the areas of agricultural lending, customer savings plans, and consumer loans. These considerations relating to the convenience and needs of

[1] All banking data are as of December 31, 1973.

the communities to be served, therefore, are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[3] effective October 4, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-24006 Filed 10-15-74;8:45 am]

HIGH COUNTRY INVESTMENT CORP.

Order Approving Acquisition of Bank

High Country Investment Corporation, Englewood, Colorado, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Bank of Evergreen, Evergreen, Colorado, ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls one bank, First State Bank, Idaho Springs, Colorado ("First State"), which ranks 188th among 251 commercial banks in Colorado. With $5.2 million in deposits, First State controls less than .1 of one per cent of the total deposits in commercial banks in the State.[1] Since Bank is a proposed new bank, consummation of the proposed acquisition would not immediately increase Applicant's share of commercial bank deposits in the State.

Bank, which is to be located 1.7 miles northwest of downtown Evergreen, a community on the outskirts of the Denver metropolitan area, will primarily serve Evergreen and several nearby communities. The only other bank operating in this area is located in downtown Evergreen. Applicant's only other subsidiary bank is located in Idaho Springs, which is thirty minutes driving time over mountainous roads from Evergreen. Since Bank is a new bank, consummation of the proposal would not eliminate any existing competition. Nor does it appear that the transaction would have adverse effects on the development of competition in the future. Accordingly, competitive considerations are regarded by the Board as being consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its present subsidiary are regarded as satisfactory. While the proposed acquisition will require further borrowings for Bank's capitalization and facilities, amortization of the debt, over a 12-year period, will be generated by earnings of Applicant's present subsidiary bank and its insurance sales activity. An equity issue will provide the balance of the funds. In light of these factors and the anticipated growth of Bank, it appears that Applicant will have the necessary financial flexibility to meet its annual debt servicing requirements. Thus, considerations relating to banking factors are consistent with approval of the application. The addition of a new banking alternative to the Evergreen area should provide greater banking convenience for the residents of the area. Therefore, considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above.[2] The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Bank of Evergreen, Evergreen, Colorado, shall be opened for business not later than six months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[3] effective October 4, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-24007 Filed 10-15-74;8:45 am]

KAYCO INVESTMENT CORP.

Acquisition of Bank

KAYCO Investment Corporation, Nevada, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 84.95 percent of the voting shares of First National Bank, Golden City, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 1, 1974.

Board of Governors of the Federal Reserve System, October 4, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-24003 Filed 10-15-74;8:45 am]

TEXAS AMERICAN BANCSHARES

Application To Engage in the Underwriting of Credit Life and Credit Accident and Health Insurance

Texas American Bancshares (formerly The Fort Worth National Corporation) Fort Worth, Texas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to engage *de novo* in the underwriting of credit life and credit accident and health insurance through its wholly owned subsidiary Financial Services Life Insurance Co., Fort Worth, Texas. Notice of the application was published on September 25, 1974 in Commercial Recorder, a newspaper circulated in Fort Worth, Texas.

Applicant states that the proposed subsidiary would engage in the activities of underwriting credit life and credit accident and health insurance which is directly related to extensions of credit by the Applicant's bank holding company system. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the

[3] Voting for this action: Chairman Burns and Governors Holland and Wallich. Voting against this action: Governors Mitchell and Sheehan. Absent and not voting: Governor Bucher. Dissenting statement of Governors Mitchell and Shehan filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551 or to the Federal Reserve Bank of Atlanta.

[1] All banking data are as of December 31, 1973.

[2] Dissenting Statement of Governors Mitchell and Sheehan filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

[3] Voting for this action: Chairman Burns and Governors Holland and Wallich. Voting against this action: Governors Mitchell and Sheehan. Absent and not voting: Governor Bucher.

reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 3, 1974.

Board of Governors of the Federal Reserve System, October 4, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-24009 Filed 10-15-74;8:45 am]

GENERAL ACCOUNTING OFFICE

CIVIL AERONAUTICS BOARD

Request for Clearance of Reports

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on September 25, 1974. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

CIVIL AERONAUTICS BOARD

Request for clearance of the reporting requirements contained in the amendment to Part 241 concerning the reporting of airport activity statistics for scheduled and nonscheduled services; frequency is quarterly; potential respondents are certified air carriers; reporting burden is estimated at 2 hours for each respondent per response.

PHILLIP S. HUGHES,
Assistant Comptroller General.

[FR Doc.74-23995 Filed 10-15-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

Request for Clearance of Reports

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 1, 1974. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

CONSUMER PRODUCT SAFETY COMMISSION

Request for clearance of a single time survey to conduct educational diagnoses of a random sample of the American population.

This survey will be used to determine the awareness level, knowledge level and practice habits of consumers in relation to product safety. The survey will focus on toys, bicycles, selected recreational equipment, flammable products and ignition sources, child nursery equipment, and outdoor power equipment. Potential respondents are a representative sample of single family homes (about 1,300); respondent burden is one-half hour for each respondent per response.

CONSUMER PRODUCT SAFETY COMMISSION

Request for clearance of a single time form to conduct educational diagnoses of a random sample of the American population. The purpose of this survey is to determine the awareness level, knowledge level, and practice habits of the consumer in relation to product safety. The focus will be on toys, bicycles, selected recreational equipment, flammable products and ignition sources, child nursery equipment, and outdoor power equipment.

The survey will be broken down into three categories, children (9-18); adult (19-59); elderly (60 and over). Potential respondents are 1,440 households in a stratified sample of 24 United States counties. Respondent burden is estimated at 35 minutes for each respondent per response.

PHILLIP S. HUGHES,
Assistant Comptroller General.

[FR Doc.74-23994 Filed 10-15-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

SCIENCE INFORMATION COUNCIL

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given that a meeting of the Science Information Council will be held on November 1, 1974, at 9 a.m., in room 543, 1800 G Street, NW., Washington, D.C.

The purpose of the Council, pursuant to P.L. 85-864, is to advise, to consult with, and to make recommendations to the Head of the Science Information Service.

The agenda for this meeting will include:

1. Opening Remarks: Chairman, Science Information Council.
2. General Remarks: Director, National Science Foundation.
3. Welcome Statement: Acting Asst. Director for National and International Programs.
4. Update of Office of Science Information Service (OSIS) Plans/Program: Head, Office of Science Information Service.
5. Discussion of OSIS Plans/Program: SIC Members.
6. Discussion of Future of the Science Information Council: SIC Members.
7. Final Remarks and Adjournment: Chairman, Science Information Council.

This meeting shall be open to the public. Attendance will be limited according to space available. Persons who may want to attend should notify the Office of Science Information Service by telephone (202) 632-5834 prior to the meeting.

For further information concerning the Council, contact Mr. Andrew A. Aines, Office of Science Information Service, Rm. P-719, 1800 G Street, NW., Washington, D.C. 20550. Summary minutes of this meeting may be obtained from the Management Analysis Office, Rm. K-720, 1800 G Street, NW., Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

OCTOBER 9, 1974.

[FR Doc.74-24036 Filed 10-15-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 10, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

FEDERAL RESERVE BOARD

Special Survey of Loans to Nonbank Financial Institutions, Forms ____, Weekly, Hulett (395-4730), Selected commercial banks.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration: National Survey of the Reported Behaviors, Knowledge Beliefs, and Attitudes of Physicians toward Diagnosis and Treatment of Hypertension, Form FDA 73-13, Single time, Hall (395-4697), Doctors of medicine & osteopathy:

National Institutes of Health: Twin Registry Interim Health Questionnaire, Form OS No. NIH HL 17, Single time, Collins (395–3756), Adult male twins.
Departmental: Study of Selected Cooperative Education Programs, Form OS 41–74, Single time, Planchon (395–3898), University students.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
Citrus Inquiries, Form ----, Monthly, Lowry (395–3772), Citrus growers.
Pasture and Livestock Survey, Form ----, Monthly, Lowry (395–3772), Cattle Operations.

DEPARTMENT OF LABOR

Employment Standards Administration: Request for State or Federal Workers' Compensation Information, Form CM 905, Occassional, Ellett (395–6172), Govt. agencies.
Bureau of Labor Statistics: Digest of Selected Health and Insurance Plans, Form BLS 2866, Occasional, Collins (395–3756), Health and insurance plan administrators.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–24211 Filed 10–15–74;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

COMMUNITY ADVISORY GROUP

Notice of Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, effective January 5, 1973, notice is hereby given that meetings of the Community Advisory Group will be held on Thursday, November 7 & November 14th, 1974, at 2 p.m.

The meetings will be held in the conference room of the Pennsylvania Avenue Development Corporation, Suite 1148 of the Pennsylvania Building, 425 13th Street Northwest, Washington, D.C.

The purposes of the meetings will be to review action on the Pennsylvania Avenue Plan by the Corporation's Board of Directors and to review the Group's charter and discuss what posture the Group's activity should and could take in the future.

The meeting will be open to the public to the extent that space and facilities will permit.

For future information call Ms. Katherine Gresham, Urban Planner, Pennsylvania Avenue Development Corporation, Washington, D.C. Area code 202/343–9423.

DAVID W. BRIGGS,
Acting General Counsel.

[FR Doc.74–24168 Filed 10–15–74;8:45 am]

OWNERS AND TENANTS ADVISORY BOARD

Notice of Meeting

Pursuant to the provisions of section 10 of Pub. L. 92–463, effective January 5, 1973, notice is hereby given that a meeting of the Owners and Tenants Advisory Board will be held on Tuesday, October 29, 1974 at 2 p.m.

The meeting will be held in the conference room of the Pennsylvania Avenue Development Corporation, Suite 1148 at the Pennsylvania Building, 425 13th Street Northwest, Washington, D.C.

The purposes of the meetings will be to review action on the Pennsylvania Avenue Plan by the Corporation's Board of Directors and to review the Group's charter and discuss what posture the Group's activity should and could take in the future.

The meeting will be open to the public to the extent that space and facilities will permit.

For further information call Ms. Katherine Gresham, Urban Planner, Pennsylvania Avenue Development Corporation, Washington, D.C. Area code 202/343–9423.

DAVID W. BRIGGS,
Acting General Counsel.

[FR Doc.74–24167 Filed 10–15–74;8:45 am]

RENEGOTIATION BOARD

PERSONS HOLDING PRIME CONTRACTS OR SUBCONTRACTS FOR TRANSPORTATION BY WATER AS COMMON CARRIER

Extension of Time for Filing Financial Statements Under the Renegotiation Act of 1951

Every person who held a prime contract or subcontract for transportation by water as a common carrier at any time during the calendar year 1973 is hereby granted an extension of time until December 31, 1974 for filing a financial statement for such year pursuant to section 105(c)(1) of the Renegotiation Act of 1951, as amended.

Dated: October 10, 1974.

W. S. WHITEHEAD,
Chairman.

[FR Doc.74–24032 Filed 10–15–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Non-disapproval of Amendment to Option Plan

Notice is hereby given that on September 26, 1974, the Commission considered and did not disapprove a proposed amendment to the Option Plan of the Chicago Board Options Exchange, Inc. (CBOE) pursuant to Rule 9b–1 (17 CFR 240.9b–1). The CBOE had proposed an amendment to paragraph (d) of rule 8.7 concerning the obligations of Market-Makers. This proposed change was originally published at 39 FR 33747 on September 19, 1974.

This amendment affects paragraph (d) of rule 8.7 and serves to clarify the obligations of Market-Makers when they trade in classes of option contracts for which they hold neither a Principal nor Supplemental Appointment. In practice, Market-Makers trading in non-appointed classes have been expected to meet the same requirements as those imposed upon Market-Makers holding Supplemental Appointments, i.e., Market-Makers trading in non-appointed classes now have the responsibility of fulfilling the affirmative obligations imposed by paragraph (b) whenever they are present in the trading crowd for a particular class of option contracts. CBOE stated that these amendments are proposed in order that the rule will reflect current practice on the trading floor.

Under CBOE's proposed amendment, the provision in the rule governing the time at which a Market-Maker trading in non-appointed classes incurs obligations is changed. At present the rule provides that a Market-Maker incurs obligations with respect to a non-appointed class only when he makes a bid or offer in that class; he may be present in the trading crowd, but so long as he does not speak he has no obligation. With the change, the Market-Maker will incur obligations with respect to a non-appointed class whenever he enters the trading crowd for that class in other than a floor brokerage capacity. The timing in this regard is the same as that for Market-Makers holding a Supplemental Appointment.

The amendment also alters the rule's expression of the nature of the Market-Maker's obligations with respect to non-appointed classes. By the deletion of the phrase "clauses (i) and (ii) of," a Market-Maker trading in non-appointed classes will have to meet not only the spread and last sale restrictions imposed by clauses (i) and (ii) of paragraph (b) but will also have to meet the affirmative obligations imposed by that paragraph. Just as for Market-Makers trading in classes to which they hold a Supplemental Appointment, whenever a Market-Maker is present in the trading crowd for a class in which he holds no appointment, he will have an obligation to engage, to a reasonable degree under the existing circumstances in dealings for his own account when there exists, or it is reasonably anticipated that there will exist, a lack of price continuity, a temporary disparity between the supply of and demand for a particular option contract, or a temporary distortion of the price relationships between option contracts of the same class.

Should this proposed amendment become effective, there will remain two distinctions between trading in a class to which a Market-Maker holds a Supplemental Appointment and trading in a non-appointed class. First, by virtue of guideline .03 under Rule 8.7, 75 percent of the Market-Maker's transactions would be channeled into those particular classes of option contracts to which he holds Principal or Supplemental Appointments. Only 25 percent of a Market-Maker's trading volume would be available for trading pursuant to 8.7(d). Second, a Market-Maker holding a Supplemental Appointment would be subject to a call for Market-Makers by the board broker assigned to a particular class, while a Market-Maker not having a Sup-

plemental Appointment in that class would not be subject to such a call. An example will demonstrate the point: Assume that Market-Maker A holds a Supplemental Appointment in Avon Products and that both Market-Maker A and Market-Maker B are in the trading crowd for Brunswick. If the board broker assigned to Avon options were to issue a call for Market-Makers, Market-Maker A would have an obligation to leave the Brunswick trading crowd and respond to the board broker's call; Market-Maker B would not be under such an obligation.

All interested persons are invited to submit their views and comments on the proposed amendment to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10-54. The proposed amendment is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street NW., Washington, D.C.

Dated: October 7, 1974.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-24024 Filed 10-15-74;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

OCTOBER 8, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 9, 1974 through October 18, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-24020 Filed 10-15-74;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

OCTOBER 8, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 9, 1974 through October 18, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-24021 Filed 10-15-74;8:45 am]

[812-3684]

MASSACHUSETTS MUTUAL LIFE INSURANCE CO.

Filing of Application

OCTOBER 7, 1974.

Notice is hereby given that Massachusetts Mutual Life Insurance Company, 1295 State Street, Springfield, Massachusetts 01111, (the "Insurance Company" or "Applicant") has filed an application pursuant to section 17(d) of the Act and rule 17d-1 thereunder for an order of the Commission permitting Applicant to make a 20-year 8⅝% Mortgage loan (the "Mortgage") to Richard Abel Properties, Inc., (the "Mortgagor") an affiliate of Richard Abel & Company, Inc. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

The Insurance Company acts as investment adviser to MassMutual Corporate Investors, Inc. (the "Fund"), a non-diversified, closed-end management investment company registered under the Investment Company Act of 1940 (the "Act"). Pursuant to an Order of the Commission issued on August 19, 1971 (Investment Company Act Release No. 6690), the Insurance Company is permitted to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement, and to exercise warrants, conversion privileges, and other rights at the same time. This Order is subject to several conditions.

One condition generally requires that purchases at direct placement of securities, which would be consistent with the investment policies of the Fund, be shared equally by the Insurance Company and the Fund. Another condition requires that, after the Insurance Company and the Fund have invested concurrently in the securities of an issuer, neither the Insurance Company nor the Fund, unless otherwise permitted by order of the Commission, shall require any further interest in an issuer or in any affiliated person of an issuer or in securities issued by such issuer or affiliated person other than interests in all respects identical.

The Mortgage is in the principal amount of $400,000 which will be purchased by the Insurance Company. The Insurance Company believes that the Mortgage would be an attractive investment and would like to invest in this security but such investment would not be consistent with the terms of the Order of August 19, 1971 because the Insurance Company and the Fund already hold $1,000,000 principal amount each of the 7% Convertible Subordinated Notes due 1984 issued by Richard Abel & Company, Inc.

The policies of the Fund set forth in its Registration Statement on Form N-8B-1 under the Act specify that the principal investments of the Fund will be long-term obligations and occasionally preferred stocks purchased directly from the issuers, if such obligations or preferred stocks have "equity features" such as accompanying shares of common stock or rights to acquire or to convert such obligations or preferred stocks into such shares. The Mortgage does not have any accompanying equity features and, therefore, would not be an investment permitted by the investment policies of the Fund. Because the Insurance Company and the Fund own securities of Richard Abel & Company, Inc., an affiliate of the Mortgagor, and the Mortgage would not be an appropriate investment for the Fund, Applicant cannot comply with the condition that the Insurance Company and the Fund acquire further identical interests in Richard Abel & Company, Inc. or its affiliates. Therefore, Applicant has applied for an order of the Commission pursuant to section 17(d) of the Act and rule 17d-1 thereunder permitting the acquisition by Applicant to $400,000 in principal amount of the Mortgage subject to the conditions imposed in the Commission's order of August 19, 1971.

Rule 17d-1 adopted by the Commission under section 17(d) of the Act provides that "no affiliated person of * * * any registered investment company * * *, acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement or profit sharing plan in which any such registered company * * * is a participant, and which is entered into, adopted or modified subsequent to the effective date of this rule, unless an application regarding such joint enterprise, arrangement or profit sharing plan has been filed with the Commission and has been granted by an order entered * * * prior to such adoption or modification." It is also provided that in passing upon such application, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants.

Applicant submits that the proposed investment by the Insurance Company would not be disadvantageous to the Fund and that the proposed transaction would be consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than October 29, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of act or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-24026 Filed 10-15-74;8:45 am]

[70-5555]

METROPOLITAN EDISON CO.

Filing of Application Regarding Proposed Loan Agreement, the Issuance of a First Mortgage Bond and Request for Exception From Competitive Bidding

OCTOBER 8, 1974.

Notice is hereby given that Metropolitan Edison Company ("Met-Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19605, an electric utility subsidiary company of General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Met-Ed proposes to borrow, pursuant to the provisions of a Loan Agreement ("the Loan Agreement") between Met-Ed and a syndicate of foreign banks (the "Lenders") represented by and including Merrill Lynch-Brown Shipley Bank Limited, up to $24,500,000, such borrowings to be evidenced by a like amount of first mortage bonds, to be issued by Met-Ed and dated October 31, 1974 (the "New Bonds"). The New Bonds shall bear interest at the rate of not in excess of one and one-half percent above the average of the Lenders' London Interbank Office ("LIBO") rates (based on a 360-day year) computed and payable semi-annually. The LIBO present rate of interest is approximately 13⅛% for funds with a six months maturity. On the basis of that rate, the annual interest rate payable on the New Bonds would not exceed 14⅝%, which is approximately equal to the effective rate (15%) at this time for short-term borrowing from U.S. banks at the prime rate (presenting generally 12%) after taking into account the requirement that compensating balances of 20% of the amounts borrowed be maintained in respect to such borrowings from U.S. banks. The indebtedness evidenced by the New Bonds shall mature in the following installments:

Percentage of principal amount borrowed	*Maturity date of installment (months)*
15	18
15	24
15	30
15	36
20	42
20	48

The New Bonds may be prepaid without premium at any interest payment date. The New Bonds are to be issued under the Indenture dated November 1, 1944, between Met-Ed and Guaranty Trust Company of New York (now Morgan Guaranty Trust Company of New York), Trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a Supplemental Indenture to be dated October 31, 1974.

Met-Ed proposes to pay a fee not in excess of three-quarters of one percent of the principal amount borrowed in connection with the loan.

Met-Ed has currently outstanding $348,950,000 amount of First Mortgage Bonds and debentures—$256,350,000 in bonds and $92,600,000 in debentures.

The proceeds of the borrowing will be used by Met-Ed for the purpose of retiring the $24,500,000 principal amount of Met-Ed's First Mortgage Bonds, 2⅞% Series due November 1, 1974.

The fees and expenses to be paid by Met-Ed in connection with the transaction, including legal fees, will be supplied by amendment. The Pennsylvania Public Utility Commission has jurisdiction with respect to Met-Ed's proposed issuance of the New Bonds. No other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Met-Ed requests an exception from the competitive bidding requirements of rule 50 with respect to the proposed issuance of the New Bonds. Met-Ed's debenture indenture requires two times coverage of interest, pro forma, on all funded debt (bonds and debentures). After the issuance of the New Bonds, interest coverage would be about 1.72%. The indenture limitations do not apply to debt issued for payment of funded debt at maturity. But, Met-Ed states that, considering the pro forma interest coverage, it would not be able to sell its New Bonds competitively in the United States under current market conditions. Met-Ed has concluded that a term bank loan would provide the best source of funds for this purpose and that it would be preferable to seek such a loan from foreign banks in light of Met-Ed's substantial amount of short-term bank loans from United States banks.

Notice is hereby given that any interested person may, not later than October 29, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-24025 Filed 10-15-74;8:45 am]

[File No. 7-4667]

EL PASO CO.

Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 8, 1974.

In the matter of application of the PBW Stock Exchange, Inc. for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security

is listed and registered on one or more other national securities exchange:

The El Paso Co..... File No. 7-4667.

Upon receipt of a request, on or before October 24, 1974 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing, the application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-24018 Filed 10-15-74;8:45 am]

[File No. 7-4666]

OLIN CORP.

Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 8, 1974.

In the matter of application of the PBW Stock Exchange Inc. for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Olin Corp..... File No. 7-4666.

Upon receipt of a request, on or before October 24, 1974 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, the application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-24019 Filed 10-15-74;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

OCTOBER 8, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5% and 6%), the 6% subordinated debentures due 1979 and the 6½% convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from Ocotber 9, 1974 through October 18, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-24022 Filed 10-15-74;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

OCTOBER 8, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 9, 1974 through October 18, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-24023 Filed 10-15-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

CHICAGO DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Chicago District Advisory Council will meet at 10:00 a.m., Central Daylight Time, Thursday, October 31, 1974, at the Forum XXX, 7th and Adams Streets, Springfield, Illinois, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write, Warren C. Keith, Small Business Administration, 219 South Dearborn Street, Chicago, Illinois 60604, (312) 353-4435.

Dated: October 7, 1974.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.74-24013 Filed 10-15-74;8:45 am]

COLUMBUS DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Columbus District Advisory Council will meet at 9:30 a.m., Friday, November 22, 1974, at the Imperial House—Arlington, 1335 Dublin Road, Columbus, Ohio, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write, Frank D. Ray, 34 North High Street, Columbus, Ohio 43215, (614) 469-7310.

Dated: October 7, 1974.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.74-24012 Filed 10-15-74;8:45 am]

DALLAS DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Dallas District Advisory Council will meet at 8:30 a.m., Tuesday, October 22, 1974, at the First National Bank Building in Dallas, Texas, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write, Rush Crain, Small Business Administration, 1720 Regal Row, Suite 230, Dallas, Texas 75235, (214) 749-2706.

Dated: October 7, 1974.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.74-24011 Filed 10-15-74;8:45 am]

OKLAHOMA CITY DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Oklahoma City District Advisory Council will convene at 1:00 p.m., Friday, October 18, 1974, Conference Room, Small Business Administration, Suite 840, 50 Penn Place, Oklahoma City, Oklahoma 73118, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further infor-

mation, call or write Truman Branscum, at the above address, (405) 231-5237.

Dated: October 7, 1974.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.74-24014 Filed 10-15-74;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

LOUIS SHOE CO., INC.

Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of the former workers producing footwear for women at the Louis Shoe Co., Inc., Amesbury, Mass. (TEA-W-243). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. on or before October 21, 1974.

Signed at Washington, D.C. this 7th day of October 1974.

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.74-24030 Filed 10-15-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 610]

ASSIGNMENT OF HEARINGS

OCTOBER 10, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 134922 Sub 81, B. J. McAdams, Inc., now assigned November 12, 1974, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree St., N.W.

MC 52460 Sub 147, Ellex Transportation, Inc., now assigned November 13, 1974, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree St., N.W.

MC 106644 Sub 171, Superior Trucking Co., Inc., now assigned continued hearing November 18, 1974, at Atlanta, Ga., will be held at the Holiday Inn-Downtown, 175 Piedmont Ave., N.E.

MC 128473 Sub 5, Montana Express, Inc., petition now being assigned December 12, 1974 (2 days), at Billings, Mont., in a hearing room to be later designated.

MC 3647 Sub 448, Transport of New Jersey, MC 115116 Sub 26, Suburban Transit Corp., now being assigned hearing November 12, 1974 (2 days), at Newark, N.J., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-24071 Filed 10-15-75;8:45 am]

[No. MC-112123 (Sub-No. 7)]

BEST-WAY TRANSPORTATION, INC.

Filing of Petition

OCTOBER 11, 1974.

Notice of filing of petition for declaratory order or, in the alternative, for interpretation of certificate, filed September 23, 1974.

Petitioner: BEST-WAY TRANSPORTATION, INC., Berkeley, Calif. Petitioner's representative: Raymond A. Greene, Jr., and William D. Taylor of Handler, Baker, & Greene, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111.

Petitioner holds a certificate in No. MC-112123 (Sub-No. 7) authorizing it to perform service in interstate or foreign commerce, over described regular routes, transporting general commodities with the usual exceptions, serving, *inter alia*, the off-route point of Fort Huachuca, Ariz. Pursuant to such authority, petitioner has been providing service to Sierra Vista, Ariz. It is petitioner's contention that Sierra Vista is within the terminal area of Fort Huachuca. It states, furthermore, that Fort Huachuca was annexed in December 1973 by the municipality of Sierra Vista and that these two points are, in fact, part of a totally homogeneous economic unit. Fort Huachuca had previously existed as a United States military reservation, and petitioner states that certain administrative functions within Fort Huachuca have been retained by the Federal government. As a result of these facts, petitioner takes the position that Fort Huachuca exists as an "unincorporated urban community" within the corporate boundaries of the municipality of Sierra Vista. Petitioner avers that the Commission's District Supervisor believes that petitioner is unauthorized to serve Sierra Vista, and petitioner, therefore, seeks to have this controversy resolved.

Petitioner is directed to submit a detailed map showing the boundaries of both Sierra Vista and Fort Huachuca as they existed before and after the above-mentioned annexation. Petitioner is also invited to submit any additional data of a political, economic, social, and demographic nature which might be helpful in resolving this matter.

No oral hearing is contemplated at this time, but anyone wishing to make representaitons in favor, or against, the relief sought in the petiton may do so by the submission of written data, views, or arguments. An original and fifteen copies of such data, views, or arguments shall be filed with the Commission on or before November 25, 1974. A copy of each representation should be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the Offices of The Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-24065 Filed 10-15-74;8:45 am]

[Ex Parte No. 241; Rule 19, Exemption 86]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Exemption Under Mandatory Car Service Rules

It appearing, that there is a massive movement of sugar beets originating at stations in Colorado on the lines of the Chicago, Rock Island and Pacific Railroad Company (RD); that the RI is unable to furnish sufficient hopper cars from its own fleet; and that the use by the RI of hopper cars owned by other railroads is essential to enable it to transport these beets to sugar factories within a sufficient time to prevent spoilage.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, hopper cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 392, issued by W. J. Trezise, or successive issues thereof, as having anyone of mechanical designations listed under the heading Class "H" Hopper Car

Type, owned by any railroad other than the RI are exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b), while used by the RI for transporting sugar beets from loading ramps to sugar factories, subject to conditions (a) to (g), inclusive, herein.

(a) Nor more than twenty-five cars of any one ownership shall be intercepted by the RI and placed in sugar beet service.

(b) Not more than two-hundred (200) such cars owned by other railroads, including such cars subject to Fifth Revised Service Order No. 1043 and Revised Service Order No. 1171 which the RI is authorized by the Commission in I.C.C. Modification Nos. 1 to each of those orders, shall be used by the RI in sugar beet service.

(c) No cars owned by other railroads and accessible to the RI after unloading is sugar beet or unit-train coal service shall be intercepted by the RI and placed in its sugar beet service.

(d) No car owned by another railroad having a capacity of 180,000 lb. or more shall be intercepted by the RI for sugar beet service without the specific consent of the car owner.

(e) Cars owned by railroads serving Denver, Colorado, intercepted and used by the RI for sugar beet service shall be returned empty to the owner by the RI or by the line serving the sugar factory after unloading sugar beets. Such cars must not be returned empty to the RI or used by it for repeated loading with sugar beets.

(f) Cars owned by railroads not serving Denver, Colorado, shall be returned to the RI for subsequent loading with sugar beets.

(g) The RI shall place in sugar beet service at least three-hundred (300) hopper cars of it own fleet and retain such cars in sugar beet service until all cars of other ownerships have been ordered returned to their owners.

Effective 12:01 a.m., October 3, 1974.

Expires 11:59 p.m., December 15, 1974.

Issued at Washington, D.C., October 3, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-24068 Filed 10-15-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 10, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before October 31, 1974.

FSA No. 42886—*Beet or Cane Sugar to Oskaloosa, Iowa.* Filed by Western Trunk Line Committee, Agent (No. A-2710), for interested rail carriers. Rates on sugar, beet or cane, in carloads, as described in the application, from points in transcontinental and western trunk-line territories, to Oskaloosa, Iowa.

Grounds for relief—Returned shipments and rate relationship.

Tariffs—Supplement 160 to Western Trunk Line Committee, Agent, tariff 159-0, I.C.C. No. A-4481, and 2 other schedules named in the application. Rates are published to become effective on November 15, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-24072 Filed 10-15-74;8:45 am]

[I.C.C. Order 134; Rev. S.O. 994]

LEHIGH VALLEY RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Lehigh Valley Railroad Company, (John F. Nash and Robert C. Haldeman, Trustees) (LV) is unable to transport traffic over portions of its line to and from Cortland, New York, because of track conditions.

It is ordered, That: (a) The LV being unable to transport traffic over its line to and from Cortland, New York, because of unsafe track conditions is hereby authorized to reroute or divert such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the Common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 9:30 a.m., October 3, 1974.

(g) *Expiration date.* This order shall expire at 11:59 p.m., November 8, 1974.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 3, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-24067 Filed 10-15-74;8:45 am]

[Ex Parte 305]

NATIONWIDE INCREASE OF TEN PERCENT IN FREIGHT RATES AND CHARGES, 1974

Corrected Order[1]

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 3d day of October 1974.

Upon consideration of the record in the above-entitled proceeding, the views expressed at oral argument before the Commission on August 27, 1974, the petitions and other pleadings detailed in our order dated August 21, 1974, and the following additional pleadings:

(1) Petition filed August 21, 1974, by the Soo Line Railroad Company for modification of the Commission's order dated July 18, 1974;

(2) Petition filed August 21, 1974, by the Grand Trunk Western Railroad Company for reconsideration and modification of the Commission's prior orders herein insofar as this petitioner is concerned;

(3) Petition filed July 3, 1974, by the Wine Institute for reconsideration of the order of the Commission dated June 3, 1974, with regard to the increase applicable to wine and winery products;

(4) Petition filed July 5, 1974, by the Pacific Northwest Grain and Grain Products Association for an order making more definite and certain the phrase "recognized customs of the trade" in the Commission's order dated June 3, 1974;

(5) Replies filed by respondent railroads July 22, 1974, to petitions in (3)

[1] The original order was inadvertently shown as being entered at a Session of the Interstate Commerce Commission rather than a "General Session".

and (4) above; and revised reply filed August 9, 1974.

(6) Letter of Penn Central Transportation Company dated August 14, 1974, requesting construction that Penn Central may apply proceeds of the rate increase to current maintenance programs;

(7) Replies filed pursuant to our order dated August 28, 1974, by American Bakers Association; Pacific Northwest Traffic League; National Industrial Traffic League; General Mills, Inc.; Illinois Grain Corp., FS Services, Inc.; The Fertilizer Institute; Bethlehem Steel Corporation; The Construction Aggregate Rail Shippers Conference, Inc. (CARS); The CECO Corporation; AMAX, Inc.; Hormel & Co., Oscar Mayer & Co., John Morrell & Co., Rath Packing Co.; American Textile Manufacturers Institute, Inc., North Carolina Textile Manufacturers Assoc., Inc., South Carolina Textile Manufacturers Assoc., Inc., Georgia-Alabama Textile Traffic Assoc., Inc.; Wedron Silica Division of Del Monte Properties, Co.; Property Owners' Committee (coal interests); and Firestone Tire & Rubber Company; and a reply filed August 28, 1974, by John G. Troiana, Trustee of the property of the Lehigh and Hudson Railway Company, Debtor, in opposition to Penn Central's prior request for relief; and

It appearing, that as indicated in our order dated August 21, 1974, various railroads in reorganization seek modification of the July 18, 1974 order to permit the transfer of funds segregated in Account 716, Capital and Other Reserve Funds, to Account 701, Cash, if necessary to meet cash requirements for continued operation of such railroads;

It further appearing, that similar requests for relief for railroads in reorganization were presented at oral argument and in (6), above;

It further appearing, that respondent railroads, in their supplemental petition described in our order dated August 21, 1974, and at oral argument, request clarification and amendment of the Commission's orders to accomplish the following two purposes:

(1) To permit funds obtained from the Ex Parte No. 305 increase to be used for new or increased maintenance and capital improvement programs; and

(2) To permit bankrupt and marginal roads to use funds obtained from the Ex Parte No. 305 increase, if necessary, to meet cash requirements for continued operation.

It further appearing, that by reply to the railroads' supplemental petition filed August 20, 1974, the Chesapeake and Ohio Railway Company, The Baltimore and Ohio Railroad Company and Western Maryland Railway Company (Chessie System) indicated that the amendments proposed above do not represent the position of the Chessie System which contends it should "be entitled to use such revenue [from the authorized increases] for any valid corporate purposes;"

It further appearing, that the petitioners in (1) and (2) above, in said petitions and at oral argument, request modification of outstanding orders to permit the revenues derived herein to be used for any capital improvements or maintenance projects which improve the quantity or quality of railroad service, whether or not delayed or deferred;

It further appearing, that other petitioners, including the Chicago and Northwestern Transportation Company and the Chicago South Shore and South Bend Railway Company seek reconsideration or modification of our orders in the respects set forth in our order dated August 21, 1974;

It further appearing, that the Florida East Coast Railway Company contends unrestricted use of the revenues from the increase should be permitted for a carrier whose expenditures for maintenance and capital improvements exceed the average of the railroad industry;

It further appearing, that the accounting and reporting requirements as defined and specified in the order of July 18, 1974, are necessary for the Commission to be informed about the extent of deferred maintenance and delayed capital improvements which must be overcome to provide adequate and improved service to shippers, as specifically identified as of June 30, 1974, by railroad management;

It further appearing, that, as previously indicated, the Commission intends that revenues generated by the increases authorized herein, over and above the amount specified for increased material and supply costs, other than fuel, be used by respondents exclusively for reducing deferred maintenance of plant and equipment and delayed capital improvements in order that rail service to the shippers be improved; however, should the situation of a particular carrier require special treatment, application should be made to the Commission and the matter will be considered on an individual basis;

It further appearing, that although some of the shippers and shipper associations replying herein are opposed to any modification of our orders, a number of replicants, including the National Industrial Traffic League, recognize that the particular circumstances of a particular carrier might warrant relief, provided such relief is accorded on the basis of an individual petition or application served upon all parties setting forth the justification therefor, and that the parties are afforded an opportunity to reply;

It further appearing, that in the event the funds to be segregated in Account 716, Capital and Other Reserve Funds, pursuant to the orders entered in this proceeding, exceed the dollar amount of deferred maintenance or delayed capital improvements "as specifically identified as of June 30, 1974, by railroad management" then it would be consistent with the intention of the Commission if such excess funds in Account 716 were to be expended for new and additional capital improvements over and above those presently undertaken, scheduled or otherwise committed, provided that specific evidence as to such proposed expenditures shall be submitted in advance for approval to the Commission Division 2;

And it further appearing, that it would serve no useful purpose to deny the use of funds segregated in Account 716, Capital and Other Reserve Funds, should a transfer to Account 701, Cash, become imperative for continued operation and sufficient funds are not available from other sources;

It is ordered, That railroads in reorganization may transfer funds segregated in Account 716, Capital and Other Reserve Funds, in accordance with accounting instructions in the July 18, 1974 order, to Account 701, Cash, provided other funds are not available and the transfer is necessary to meet cash requirements for continued operation, and that a report shall be filed with the Commission, Division 2, immediately upon the transfer showing the date of transfer, amount of funds transferred, and full explanation of the circumstances giving rise to the necessity for such transfer;

It is further ordered, That any railroad not in reorganization which finds it imperative to expend the funds generated by the authorized increase for operating purposes to avoid curtailment of transportation service or to avoid the filing of a petition in reorganization may make application to the Commission, Division 2, for approval of the proposed transfer and use of such funds, said application to be accompanied by supporting financial and statistical information and a certification that the funds are necessary for the purposes aforesaid;

It is further ordered, That railroad respondents, if any, which are unable to use the full amount of the funds generated by the increase for deferred maintenance or delayed capital improvements, as defined in this proceeding, may expend such funds for new and additional capital improvements providing advance approval is obtained from the Commission, Division 2, as above set forth;

It is further ordered, That any petitions for relief or other pleadings filed in this matter shall be served upon all parties, and the parties shall be afforded an opportunity to file representations in response thereto within 10 days from the date of service, prior to which time action will not be taken on any proposed transfer except in the case of an extreme emergency;

It is further ordered, That the petitioning electric railway, Chicago South Shore, may report the information required in the Commission's order of July 18, 1974, using the account numbers provided for such items in the uniform system of accounts for electric railways in lieu of the account numbers for railroad companies shown in the Appendices to the order.

It is further ordered, That in all other respects, the petitions detailed in our order dated August 21, 1974, and the petitions and contentions above described be, and they are hereby, denied for the reason that sufficient grounds have not

been presented to warrant the action sought, without prejudice, however, to further requests for relief pursuant to the procedures hereinabove set forth.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy in the Office of the Commission's Secretary and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-24070 Filed 10-15-74;8:45 am]

[Ex Parte No. MC-37 (Sub-No. 25)]

SPECTOR FREIGHT SYSTEM, INC.

Commercial Zones and Terminal Areas

OCTOBER 11, 1974.

Petitioner: Spector Freight System, Inc., Chicago, Ill. Petitioner's representative: Leonard R. Kofkin, Axelrod, Goodman, Steiner & Bazelon, 39 South LaSalle St., Chicago, Ill. 60603. By petition filed June 17, 1974, the above-named petitioner requests that the Commission issue a declaratory order for the purpose of defining the commercial zone of Jackson, Miss.

The limits of the present commercial zone of Jackson are now determined by application of the population-mileage formula enunciated in Ex Parte No. MC-37, *Commercial Zones and Terminal Areas,* 46 M.C.C. 665 (1946) (49 CFR 1048.101). Such formula gives Jackson (with 1970 census of 153,968 persons) a commercial zone of 5 miles.

Petitioner states that the City of Jackson has annexed the Jackson Municipal Airport, but that because the Airport is disconnected from the political boundaries of Jackson it is unclear whether the commercial zone should be measured from the annexed boundaries, as well as the base municipality. Petitioner, citing *Central Freight Lines, Inc., v. East Texas Motor Freight,* 96 M.C.C. 150 (1964), takes the position that the annexed, albeit disconnected area, should be included in determination of the Jackson commercial zone.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor, or against, the relief sought in the petition may do so by the submission of written data, views, or arguments. An original and fifteen copies of such data, views, or arguments shall be filed with the Commission on or before November 25, 1974. A copy of each representation should be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the Offices of The Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-24066 Filed 10-15-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateways

OCTOBER 10, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission by October 26, 1974 from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 730 (Sub-No. E56), filed May 13, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products,* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, in bulk, in tank vehicles, from Boise, Evans, Fruitland, Pocatello, and Twin Falls, Idaho, to points in that part of California in and south of Sonoma, Napa, Yolo, Sacramento, and El Dorado Counties (except points in San Bernardino, Riverside, and Imperial Counties). The purpose of this filing is to eliminate the gateway of Sparks, Nev.

No. MC 29886 (Sub-No. E14), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tractors* (limited to contractors' equipment and except truck tractors); (1) from points in Maine, Vermont, and New Hampshire to points in the United States (except points in Vermont, Maine, New Hampshire, Maryland, Delaware, New Jersey, Pennsylvania, New York, Massachusetts, Connecticut, Rhode Island, West Virginia, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, and Hawaii); (2) from points in Maine, Vermont, and New Hampshire to points in that part of Georgia on and west of a line beginning at the Georgia-North Carolina State line and extending along U.S. Highway 19 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Georgia-Florida State line; (3) from points in Maine, Vermont, and New Hampshire to points in that part of Florida on, west, and south of a line beginning at the Florida-Georgia State line and extending along Interstate Highway 75 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Florida Highway 121, thence along Florida Highway 121 to junction Florida Highway 16, thence along Florida Highway 16 to St. Augustine and the Atlantic Ocean; (4) from points in Maine, Vermont, and New Hampshire, to points in that part of New York on and west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to junction New York Highway 21, thence along New York Highway 21 to the New York-Pennsylvania State line; (5) from points in Maine, Vermont, and New Hampshire to points in that part of Tennessee on and west of a line beginning at the Georgia-Tennessee State line and extending along U.S. Highway 11 to Knoxville, thence along Tennessee Highway 33 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Tennessee-Virginia State line; (6) from points in Maine, Vermont, and New Hampshire, to points in that portion of West Virginia on and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 19 to Beckley, thence along West Virginia Highway 16 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Batavia, N.Y.

No. MC 52979 (Sub-No. E2), filed June 4, 1974. Applicant: HUNT TRUCK LINES, INC., P.O. Box 72, Rockwell City, Iowa 50579. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plaster, plasterboard, plasterboard joint system, line products, and gypsum products,* from Fort Dodge, Iowa, and points within 6 miles thereof, to points in Iowa and South Dakota within 10 miles of Larchwood, Iowa. The purpose of this filing is to eliminate the gateway of points in Minnesota within 10 miles of Larchwood, Iowa.

No. MC 52979 (Sub-No. E3), filed June 4, 1974. Applicant: HUNT TRUCK LINES, INC., P.O. Box 72, Rockwell City, Iowa 50579. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier,*

by motor vehicle, over irregular routes, transporting: *Automotive supplies* which are petroleum products, in containers, from Chicago, Ill., to Sioux Falls, S. Dak. The purpose of this filing is to eliminate the gateway of Larchwood, Iowa.

No. MC 52022 (Sub-No. 7G), (correction), filed June 4, 1974, published in the FEDERAL REGISTER October 1, 1974. Applicant: SANTINI BROS. INC., d.b.a., THE SEVEN BROTHERS AND THE SEVEN SANTINI BROTHERS, 1405 Jerome Ave., Bronx, N.Y. 10452. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. The application remains as previously published except the docket number has been corrected. Previously published as No. MC 5022 (Sub-No. 7G).

No. MC 61592 (Sub-No. E57), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* (other than hand), *and such pumps and pump parts and castings, pressure and water softner tanks* as are used for agricultural purposes from Horicon, Wis., to St. Louis, Mo., and Omaha, Nebr. The purpose of this filing is to eliminate the gateway of Moline, Ill.

No. MC 61592 (Sub-No. E58), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles* distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, skins, and commodities in bulk), from Namps, Ind., to the plant site of Armour-Dial at Fort Madison, Iowa. The purpose of this filing is to eliminate the gateways of points in Minnesota.

No. MC 61592 (Sub-No. E65), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parts* used in the manufacture of agricultural implements (except commodities in bulk, in tank vehicles), from points in California, Idaho, Maine, Massachusetts, Montana, Nevada, New Hampshire, Oregon, Rhode Island, Utah, Washington, and Wyoming, to St. Louis, Mo. The purpose of this filing is to eliminate the gateway of Davenport, Iowa.

No. MC 61592 (Sub-No. E67), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gas meters*, between Fort Dodge, Iowa, on the one hand, and, on the other, points in Illinois south of U.S. Highway 40 and St. Louis, Mo. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC 61592 (Sub-No. E69), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors designed primarily for the transportation of property over highways and except tractors which because of size and weight require the use of special equipment), and attachments therefore, from New Orleans, La., to points in Maine, Michigan, New Hampshire, Vermont, and West Virginia. The purpose of this filing is to eliminate the gateway of Decatur, Ga.

No. MC 61592 (Sub-No. E80), filed July 5, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such building board, wall board, insulation board, and laminated flakeboard, and accessories and supplies* used in the installation thereof which are wood products (except chemicals and liquid wood products), from points of entry on the International Boundary line between the United States and Canada in Minnesota, to points in Alabama, Arkansas, Florida, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia. The purpose of this filing is to eliminate the gateway of Wright City, Mo.

No. MC 61592 (Sub-No. E82), filed July 5, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such building board, wall board, insulation board, and laminated flakeboard, and accessories and supplies* used in the installation thereof which are wood products (except chemicals and liquid wood products), from ports of entry on the International Boundary line between the United States and Canada in Maine, to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wyoming. Restricted to the transportation of traffic moving in foreign commerce. The purpose of this filing is to eliminate the gateway of Wright City, Mo.

No. MC 71536 (Sub-No. E1), filed June 4, 1974. Applicant: ARROW CARRIER CORPORATION, 160 U.S. Route 17, Rochelle Park, N.J. 07662. Applicant's representative: T. J. O'Rourke (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Philadelphia, Pa., and points within 15 miles of Philadelphia, on the one hand, and, on the other, points in Ulster County, N.Y., and points in that part of Orange County, N.Y., on and east of a line beginning at the New York-New Jersey State line, thence along New York Highway 284 to junction New York Highway 17M, thence along New York Highway 17M to junction New York Highway 302, thence along New York Highway 302 to the Orange County-Ulster County line. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and points in Bergen or Passaic Counties, N.J., for points within 15 miles of Philadelphia, Pa., and points in Bergen or Passaic Counties, N.J., for Philadelphia, Pa.

No. MC 100666 (Sub-No. E74), filed May 30, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet iron roofing* from points in Arkansas to points in Florida (except from that part of Arkansas on, east, and south of a line from the Arkansas-Louisiana State line along U.S. Highway 167 to the junction of U.S. Highway 79, thence along U.S. Highway 79 to the junction of Arkansas Highway 114, thence along Arkansas Highway 114 to the junction of U.S. Highway 65, thence along U.S. Highway 65 to the junction of Arkansas Highway 54, thence along Arkansas Highway 54 to the Arkansas River, thence along the Arkansas River to the Mississippi River, to points in Florida on and west of a line from the Florida-Alabama State line along Florida Highway 81 to the junction of Florida Highway 20, thence along Florida Highway 20 to the junction of Florida Highway 79, thence along Florida Highway 79 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of West Memphis, Ark., and Shreveport, La.

No. MC 103993 (Sub-No. E32), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representafive: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Prefabricated buildings,* in sections, from points in that part of Florida south of a line beginning at Bayport, thence along Florida Highway 595 to junction Florida Highway 50, thence along Florida Highway 50 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Florida Highway 70, thence along Florida Highway 70 to Fort Pierce, to points in North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of points in Pinellas County, Fla.

No. MC 103993 (Sub-No. E39), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Prefabricated steel buildings;* and (2) *Prefabricated building sections and panels, and equipment and materials* incidental to the erection and completion of such buildings when shipped therewith, from points in Kentucky and Tennessee, to points in Maine, New Hampshire, Vermont, points in that part of New York north of New York Highway 7, and points in that part of Pennsylvania north and west of a line beginning at the Pennsylvania-Ohio State line, thence along Interstate Highway 80 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Niles, Warren, and Youngstown, Ohio.

No. MC 103993 (Sub-No. E40), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prefabricated buildings,* complete, knocked down, or in sections, and equipment and materials incidental to the erection and completion of such buildings when shipped therewith (except in bulk), (1) from points in Michigan, to points in North Carolina, South Carolina, and Virginia; and (2) from points in Ohio, to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of the plant site of Walker-Parkersburg, division of Textron, Inc., at Parkersburg, W. Va.

No. MC 103993 (Sub-No. E52), filed 5/25/74. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prefabricated buildings,* complete, knocked down, or in sections, and equipment and materials incidental to the erection and completion of such buildings when shipped therewith, (1) from points in Iowa and Minnesota, to points in North Carolina, South Carolina, and Virginia; and (2) from points in Wisconsin, to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Monticello, Iowa.

No. MC 103993 (Sub-No. E51), filed 5/25/74. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elkhart, Indiana 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prefabricated Buildings,* complete, knocked down, or in sections, and *equipment and materials* incidental to the erection and completion of such buildings when shipped therewith, (1) from points in Alabama, Georgia, Illinois, Indiana, Kentucky, Ohio, Tennessee, West Virginia, and points in that part of Michigan south of U.S. Highway 10 to points in Oregon and Washington; and (2) from points in Missouri, to points in Oregon. The purpose of this filing is to eliminate the gateway of the plant site of the Brinkley Company in Warren County, Mo.

No. MC 103993 (Sub-No. 53), filed 5/25/74. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elkhart, Indiana 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prefabricated buildings,* complete, knocked, or in sections, and equipment and materials incidental to the erection and completion of such building when shipped therewith (except in bulk), from points in Tennessee, to points in Connecticut, Massachusetts, New Jersey, Rhode Island, points in that part of New York south of New York Highway 7, and points in that part of Pennsylvania south of a line beginning at the Pennsylvania-Ohio State line, thence along Interstate Highway 80 to junction Interstate Highway 81, thence along Interstate Highway 81, to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of the plant site of Walker-Parkersburg, a division of Textron, Inc., at Parkersburg, W. Va.

No. MC 107064 (Sub-No. E4), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products,* in bulk, in tank vehicles, from: (a) points in Moore, Hutchinson, Roberts, Potter, Carson, Gray, Randall, Armstrong, Donley, Castro, Swisher, Briscoe, Hall, Lamb, Hale, Floyd, Motley, Hockley, Lubbock, Crosby, Dickens, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, and Scurry Counties, Tex., and those parts of Childress, Cottle, King, Stonewall, Fisher and Jones Counties, Tex., on and west of U.S. Highway 83, to points in that part of California on and west of a line beginning at the International Boundary line between the United States and Mexico, thence along California State Highway 111 to California Highway 86, thence along California Highway 86 to Interstate 10, thence along Interstate Highway 10 to Interstate Highway 5, thence along Interstate Highway 5 to the California-Oregon State line; and (b) from points in Andrews, Martin, Howard, Mitchell, Nolan, Loving, Winkler, Midland, Glasscock, Sterling, Coke, Reeves, Ward, Crane, Upton, Reagan, Irion, Tom Green, Pecos, Terrell, Crockett, Schleicher, Sutton, Val Verde, Kinney, and Maverick Counties, Tex., and those parts of Taylor, Runnels, Concho, Menard, Kimble, Kerr, Edwards, Real, Uvalde, Zavala, Dimmit, Webb, Zapata, Starr, Hidalgo, and Cameron Counties, Tex., on and west of U.S. Highway 83, to points in California. The purpose of this filing is to eliminate the gateway of any point in Ector County, Tex.

No. MC 107403 (Sub-No. E551), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sulphuric acid and phosphate fertilizer solutions,* in bulk, in tank vehicles, from Uncle Sam, La., to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateways of Baton Rouge, La., Greensboro, N.C., and points in New Jersey.

No. MC 107403 (Sub-No. E552), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement,* in bulk, and bags, from Decatur, Ala., to points in Florida and Louisiana. The purpose of this filing is to eliminate the gateway of Leeds, Ala.

May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fresh and cured meats,* in vehicles equipped with mechanical refrigeration, from points in Florida on and east of a line beginning at the Georgia-Florida State line, thence along Florida Highway 53 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Florida Highway 51, thence along Florida Highway 51 to the Gulf of Mexico, to points in that part of Kentucky on and east of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 27 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Kentucky-Indiana State line. The purpose of this filing is to eliminate the gate-

ways of (1) any point that is both within 5 miles of Macon, Ga., and within the Macon commercial zone (except Macon), or defined by the Commission and (2) Bristol, Tenn.

No. MC 107515 (Sub-No. E177), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats, and dairy products*, as described in the Appendix to the report in *Modification of Permits—Packing House Products*, 46 M.C.C. 23 and 48 M.C.C. 628, between points in Florida, on the one hand, and, on the other, points in Tennessee on and east of a line beginning at the Georgia-Tennessee State line, thence along U.S. Highway 41 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Kentucky State line (except McMinnville). The purpose of this filing is to eliminate the gateway of any point that is both within the commercial zone of Atlanta, Ga., and within 10 miles of Atlanta (except Atlanta).

No. MC 107515 (Sub-No. E178), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Florida to points in Kentucky, Ohio, Illinois, Indiana, Michigan, Wisconsin, Iowa, Minnesota, Nebraska, and Missouri. The purpose of this filing is to eliminate the gateways of either Gainesville, Ga., or Florence, Ala.

No. MC 107515 (Sub-No. E180), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Florida to points in Idaho, Nevada, and Utah. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 107515 (Sub-No. E181), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and dairy products*, as described in Section A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Memphis, Tenn., to that portion of Virginia on and east of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 221 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of either the plant sites of Family Foods, Inc., or Ambrosia Chocolate Company, Division of W. R. Grace and Company at Charlotte, N.C.

No. MC 107515 (Sub-No. E305), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Louisville, Ky., to points in that part of New York on and east of a line beginning at the International Boundary line between the United States and Canada, thence along New York Highway 30 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Massachusetts-New York State line, that part of Massachusetts on and east of a line beginning at the New York-Massachusetts State line, thence along Interstate Highway 90 to junction U.S. Highway 7, thence along U.S. Highway 7 to the Massachusetts-Connecticut State line, and that part of Connecticut on and east of a line beginning at the Connecticut-Massachusetts State line, thence along U.S. Highway 7 to junction Connecticut Highway 37, thence along Connecticut Highway 37 to junction Connecticut Highway 34, thence along Connecticut Highway 34 to the Long Island Sound. The purpose of this filing is to eliminate the gateway of Mendon, Mich.

No. MC 107515 (Sub-No. E306), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050 Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and hides), in vehicles equipped with mechanical refrigeration, from Louisville, Ky., to that part of Texas on and south of a line beginning at the Louisiana-Texas State line, thence over Texas Highway 12 to junction Interstate Highway 10, thence over Interstate Highway 10 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 57, thence over U.S. Highway 57 to the International Boundary line, between the United States and Mexico, restricted to traffic originating at the plant sites and warehouse facilities of Armour & Company and Wilson Certified Foods, Inc., at Louisville, Ky. The purpose of this filing is to eliminate the gateway of Montgomery, Ala.

No. MC 107515 (Sub-No. E308), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT, CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of Standard Foods, Inc., at Louisville, Ky., to Chattanooga, Tenn., that part of Mississippi on and south of a line beginning at the Mississippi-Alabama State line thence along Mississippi Highway 16 to junction Mississippi Highway 492, thence along Mississippi Highway 492 to junction Mississippi Highway 21, thence along Mississippi Highway 21 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Mississippi Highway 483, thence along Mississippi Highway 483 to junction Mississippi Highway 28, thence along Mississippi Highway 28 to junction U.S. Highway 61, thence along Highway 61 to the Mississippi-Louisiana State line, and that part of Louisiana on and south of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 84 to junction Louisiana Highway 8, thence along Louisiana Highway 8 to the Louisiana-Texas State line, restricted to traffic originating at the named plantsite at Louisville, Ky. The purpose of this filing is to eliminate the gateway of Rossville, Ga.

No. MC 107515 (Sub-No. E310), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, from Covington, Ky., to Norfolk, Suffolk, Portsmouth, Hampton, and Virginia Beach, Va. The purpose of this filing is to eliminate the gateways of (1) Gatesville, N.C., and (2) Rocky Mount, N.C.

No. MC 107515 (Sub-No. E311), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meat and unfrozen meat products* (except commodities in bulk, in tank vehicles, and, hides), from Adairsville, Ky., to points in New Hampshire, Maine, Delaware, that part of Virginia on and east of Interstate Highway 95, that part of Maryland on and east of U.S. Highway 301, that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence

along U.S. Highway 1 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction Pennsylvania Highway 663, thence along Pennsylvania Highway 663 to junction Pennsylvania Highway 212, thence along Pennsylvania Highway 212 to the Pennsylvania-New Jersey State line, that part of New Jersey on and east of a line beginning at the Pennsylvania-New Jersey State line, thence along U.S. Highway 22 to junction New Jersey Highway 57, thence along New Jersey Highway 57 to junction U.S. Highway 46, thence along U.S. Highway 46 to Nebeong, thence along U.S. Highway 206 to the Pennsylvania-New Jersey State line, and that part of New York on and east of a line beginning at the New York-New Jersey State line, thence along Interstate Highway 84 to junction Interstate Highway 87, thence along Interstate Highway 87 to Glens Falls, N.Y., thence along New York Highway 4 to the New York-Vermont State line, restricted against the transportation of traffic originating at Nashville, Tenn. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC 107515 (Sub-No. E334), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, in vehicles equipped with mechanical refrigeration, from the plant site of Ole South Foods Company, at Little Rock, Ark., to the District of Columbia, and points in Connecticut, Delaware, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Maryland, and West Virginia, that part of Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line, thence along U.S. Highway 51 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Wisconsin-Michigan State line, that part of Illinois on and east of a line beginning at the Illinois-Indiana State line, thence along Interstate Highway 94 to junction Interstate Highway 294, thence along Interstate Highway 294 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Illinois-Wisconsin State line and that part of Indiana on and east of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 41 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Indiana Highway 59, thence along Indiana Highway 59 to junction Indiana Highway 48, thence along Indiana Highway 48 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line, restricted to the transportation of traffic originating at the plant site of Ole South Foods, Co., at Little Rock, Ark. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC 110525 (Sub-No. E1097), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed oil, soybean oil, and peanut oil*, in bulk, in tank vehicles, from points in that part of North Carolina on and west of Interstate Highway 85, to points in that part of Florida on and west of a line beginning at the Georgia-Florida State line, thence along Interstate Highway 75 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Macon, Ga.

No. MC 110525 (Sub-No. E1098), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed oil, soybean oil, and peanut oil*, in bulk, in tank vehicles, from points in that part of North Carolina on and east of Interstate Highway 85, to points in that part of Alabama on and south of U.S. Highway 80. The purpose of this filing is to eliminate the gateway of Macon, Ga.

No. MC 110525 (Sub-No. E1099), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude cottonseed oil and crude soya bean oil*, in bulk, in tank vehicles, from Raleigh, N.C., and points in North Carolina within 5 miles thereof, (1) to points in that part of Pennsylvania on and east of U.S. Highway 11 (Portsmouth, Va.) *, (2) to New York, N.Y., and points in New Jersey (Portsmouth, Va., and points in Aston Township, Pa.) *, and (3) to points in Connecticut, Massachusetts, and Rhode Island (Portsmouth, Va., points in Aston Township, Pa., and New York, N.Y.) *. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E1100), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude cottonseed oil and crude soya bean oil*, in bulk, in tank vehicles, from Charlotte, N.C., and points in North Carolina within 5 miles thereof, (1) to points in that part of Pennsylvania on and east of U.S. Highway 11 (Portsmouth, Va.) *, (2) to New York, N.Y., and points in New Jersey (Portsmouth, Va., and points in Aston Township, Pa.) *, and (3) to points in Connecticut, Massachusetts, and Rhode Island (Portsmouth, Va., points in Aston Township, Pa., and New York, N.Y.) *. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E1102), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Georgia, on, north, and east of a line beginning at the North Carolina-Georgia State line, thence along Georgia Highway 11 to junction Georgia Highway 52, thence along Georgia Highway 52 to junction Georgia Highway 15–A, thence along Georgia Highway 15–A to junction U.S. Highway 78, thence along U.S. Highway 78 to the Georgia-South Carolina State line, to points in that part of Tennessee west of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC 110525 (Sub-No. E1103), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Georgia on, east, and north of a line beginning at the North Carolina-Georgia State line, thence along U.S. Highway 23 to Atlanta, thence along Interstate Highway 75 to Macon, thence along U.S. Highway 80 to Savannah Beach, to points in Alabama. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 110525 (Sub-No. E1105), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Celriver, S.C., to points in that part of Maryland on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC 110525 (Sub-No. E1106), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from West Henderson, Ky., (1) to points in that part of Georgia on and east of U.S. Highway 19, and that part of Virginia on and east of U.S. Highway 21 and on and south of Interstate Highway 64 (points in North Carolina)*, and (2) to points in Florida (points in North Carolina and Atlanta, Ga.)*, restricted in (2) above against the transportation of hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E1107), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials) in bulk, in tank vehicles, from the site of the Spencer Chemical Company plant, near Bicksburg, Miss., to points in that part of Tennessee on and east of a line beginning at the Georgia-Tennessee State line, thence along Tennessee Highway 60 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 11W, thence along U.S. Highway 11W to the Tennessee-Virginia State line, that part of Georgia on and east of Georgia Highway 11, and that part of Virginia on and west of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 220 to junction Virginia Highway 311, thence along Virginia Highway 311 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC 110525 (Sub-No. E1108), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Franklin, Va., to points in Vermont, New Hampshire, and that part of Maine on and north of a line beginning at the Maine-New Hamphire State line, thence along U.S. Highway 2 to Bangor, thence along Maine Highway 9 to the Atlantic Ocean, restricted against the transportation of liquid hydrogen, liquid oxygen, and liquid nitrogen to points in Vermont. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 110525 (Sub-No. E1109), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid glue, formaldehydes, resins, surface-coating compounds, and plastic binders*, in bulk, in tank vehicles, from Demopolis, Ala., (1) to points in Arizona, California, and Wyoming (Houston, Tex.)*, (2) to points in Utah (Texas City, Tex.)*, and (3) to points in New Mexico (Beaumont, Tex.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E1110), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, (1) from Pulaski, Va., and points within 5 miles thereof to points in Erie and Niagara Counties, N.Y., and (2) from Front Royal, Va., to Johnstown and Josephtown, Pa., and points in Allegheny and Fayette Counties, Pa., and Erie and Niagara Counties, N.Y. The purpose of this filing is to eliminate the gateway of Cumberland, Md.

No. MC 110525 (Sub-No. E1111), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum, and bituminous products and materials), in bulk, in tank vehicles, from Harvey, La., to points in Virginia, North Carolina, and that part of South Carolina on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 110525 (Sub-No. E1112), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, and derivatives of petroleum), in bulk, in tank vehicles, from Tuscaloosa, Ala., (1) to points in that part of North Carolina on and east of U.S. Highway 21, and that part of Virginia on and east of U.S. Highway 52 (Charlotte, N.C.)*, and (2) to the District of Columbia (Charlotte, N.C., and Hopewell, Va.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E1113), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic resins, and formaldehyde*, in bulk in tank vehicles, from Anniston, Ala., (1) to the District of Columbia and points in Delaware, Maryland, New Jersey, and New York (points in Georgia and Hopewell, Va.)*, (2) to points in Connecticut, Massachusetts, and Rhode Island (points in Georgia, Hopewell, Va., and Newark, N.J.)*, (3) to points in Maine, New Hampshire, and Vermont (points in Georgia, Hopewell, Va., and Syracuse, N.Y.)*, (4) to points in West Virginia (points in that part of Tennessee on and east of U.S. Highway 27)*, and (5) to points in Ohio (Copperhill, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E1114), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic resins, and formaldehyde*, in bulk, in tank vehicles, from Demopolis, Ala., (1) to the District of Columbia and points in Delaware, Maryland, New Jersey, and New York (points in Georgia and Hopewell, Va.)*, (2) to points in Connecticut, Massachusetts, and Rhode Island (points in Georgia, Hopewell, Va., and Newark, N.J.)*, (3) to points in Maine, New Hampshire, and Vermont (points in Georgia, Hopewell, Va., and Syracuse, N.Y.)*, (4) to points in West Virginia (points in that part of Tennessee on and east of U.S. Highway 27)*, and (5) to points in Ohio (Copperhill, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E1115), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic resins, and formaldehyde*, in bulk, in tank vehicles, from Demopolis, Ala., (1) to points in Michigan, Wisconsin, that part of Illinois on and north of Interstate Highway 70, that part of Indiana on and north of Indiana Highway 64, that part of Iowa on and north of Interstate Highway 80, and that part of Nebraska on and north of U.S. Highway 30 (Louisville, Ky.)*, (2) to points in Pennsylvania (Ashland, Ky.)*, and (3) to points in North Carolina and Virginia (points in Georgia)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1116), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic resins, and formaldehyde*,

in bulk, in tank vehicles, from Anniston, Ala., (1) to points in Iowa, Michigan, Nebraska, Wisconsin, that part of Illinois on and north of Interstate Highway 70, and that part of Indiana on and north of Indiana Highway 64 (Louisville, Ky.) *, (2) to points in Pennsylvania (Ashland, Ky.) *, and (3) to points in North Carolina and Virginia (points in Georgia) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1117), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic liquid resins*, in bulk, in tank vehicles, from Charlotte, N.C., (1) to points in Minnesota (Akron, Ohio) *, and (2) to points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 75 to junction Indian Nation Turnpike, thence along the Indian Nation Turnpike to the Oklahoma-Texas State line (Addyston, Ohio) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1118), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic resins and plasticizers*, in bulk, in tank vehicles, from Anniston, Ala., (1) to points in Iowa, Michigan, Nebraska, and Wisconsin, that part of Illinois on and north of Interstate Highway 70, and that part of Indiana on and north of Indiana Highway 64 (Louisville, Ky.) *, (2) to points in Pennsylvania (Ashland, Ky.) *, and (3) to points in Delaware, Maryland, New Jersey, and New York (Greensboro, N.C.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1119), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic resins and plasticizers*, in bulk, in tank vehicles, from Anniston, Ala., (1) to points in Connecticut, Massachusetts, and Rhode Island (Greensboro, N.C., and Newark, N.J.) *, (2) to points in Maine, New Hampshire, and Vermont (Greensboro, N.C., and Syracuse, N.Y.) *, (3) to points in Virginia (points in North Carolina), (4) to points in Ohio (Copperhill, Tenn.) *, and (5) to points in West Virginia (points in that part of Tennessee on and east of U.S. Highway 27) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1120), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, (1) from Macon, Ga., and Portsmouth, Va., to points in Connecticut, Massachusetts, and Rhode Island (Glen Riddle, Pa., and Newark, N.J.), (2) from Macon, Ga., to New York, N.Y., and points in New Jersey, Delaware, and that part of Maryland on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to Baltimore, thence along Interstate Highway 95 to the Maryland-District of Columbia Boundary (Glen Riddle, Pa.) *, and (3) from Macon, Ga., to points in Nassau, Suffolk, and Westchester Counties, N.Y., and that part of New York on and south of New York Highway 7 and on and east of U.S. Highway 11 (Glen Riddle, Pa., and Newark, N.J.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1121), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative; Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed oil, soybean oil, and peanut oil*, in bulk, in tank vehicles, from points in Alabama, (1) to Portsmouth, Va. (Charlotte, N.C.), (2) to the District of Columbia and points in that part of Pennsylvania on and east of U.S. Highway 11 (Charlotte, N.C., and Portsmouth, Va.) *, (3) to New York, N.Y., and points in Delaware and New Jersey (Charlotte, N.C., Portsmouth, Va., and Glen Riddle, Pa.) *, and (4) to points in Connecticut, Massachusetts, Rhode Island, Nassau, Suffolk, and Westchester Counties, N.Y., and that part of New York on and east of U.S. Highway 11 and on and south of New York Highway 7 (Charlotte, N.C., Portsmouth, Va., Glen Riddle, Pa., and Newark, N.J.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1122), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed oil, soybean oil, and peanut oil*, in bulk, in tank vehicles, from Graceville, Fla., (1) to Portsmouth, Va. (Charlotte, N.C) *, (2) to points in that part of Pennsylvania on and east of U.S. Highway 11 (Charlotte, N.C., and Portsmouth, Va.) *, (3) to New York, N.Y., and points in Delaware and New Jersey (Charlotte, N.C., Portsmouth, Va., and Glen Riddle, Pa.) *, and (4) to points in Connecticut, Massachusetts, Rhode Island, Nassau, Suffolk, and Westchester Counties, N.Y., and that part of New York on and south of New York Highway 7 and on and east of U.S. Highway 11 (Charlotte, N.C., Portsmouth, Va., Glen Riddle, Pa., and Newark, N.J.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1131), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chloral*, in bulk, in tank vehicles, from Henderson, Nev., to New York, N.Y., and points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC 110525 (Sub-No. E1132), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Bessemer, Ala., (1) to points in Arizona, California, and that part of Wyoming on and west of a line beginning at the Colorado-Wyoming State line, thence along Wyoming Highway 430 to Rock Springs, thence along U.S. Highway 187 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to Lander, thence along Wyoming Highway 789 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 310, thence along U.S. Highway 310 to the Wyoming-Montana State line (Houston, Tex.) *, (2) to points in Utah (Texas City, Tex.) *, and (3) to points in New Mexico (Beaumont, Tex.) *. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E1133), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Lake Charles, La., (1) to points in California, Wyoming, Arizona, Colorado, Kansas, and Nebraska (Houston, Tex.) *; (2) to points in Utah (Texas City, Tex.) *; and (3) to points in Oklahoma and New Mexico (Beaumont, Tex.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1134), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid resins*, in bulk, in tank vehicles, from Demopolis, Ala., to points in Michigan, Minnesota, and Wisconsin. The purpose of this filing is to eliminate the gateway of Mishawaka, Ind.

No. MC 110525 (Sub-No. E1135), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from the plant site of Jefferson Chemical Company in Montgomery County, Tex., (1) to points in Virginia and that part of Tennessee on and east of U.S. Highway 27 (points in Georgia) *; (2) to points in that part of Kentucky on and east of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 27 to junction U.S. Highway 25, thence along U.S. Highway 25 to the Kentucky-Ohio State line (points in Georgia and Copperhill, Tenn.) *; and (3) to points in Michigan (Henry, Ill.) *. The purposes of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1136), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Copperhill, Tenn., to points in Indiana, Iowa, Kansas, Nebraska, that part of Illinois on and north of U.S. Highway 40, and that part of Missouri on and north of a line beginning at the Illinois-Missouri State line, thence along U.S. Highway 67 to Flat River, thence along Missouri Highway 8 to St. James, thence along Missouri Highway 68 to Vienna, thence along Missouri Highway 42 to Osage Beach; thence along U.S. Highway 54 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 110525 (Sub-No. E1137), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from Copperhill, Tenn., to points in that part of Michigan on and north of Michigan Highway 21. The purpose of this filing is to eliminate the gateway of Akron, Ohio.

No. MC 110525 (Sub-No. E1138), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Copperhill, Tenn., to points in Colorado. The purpose of this filing is to eliminate the gateway of Addyston, Ohio.

No. MC 110525 (Sub-No. E1236), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Fayette County, Pa., to points in that part of Indiana on and south of Indiana Highway 56. The purpose of this filing is to eliminate the gateway of Ironton, Ohio.

No. MC 110525 (Sub-No. E1237), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals), in bulk, in tank vehicles, from Ashland, Ky., to points in Arizona, Colorado, Idaho, Kansas, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Utah, and Wyoming. The purpose of this filing is to eliminate the gateway of Addyston, Ohio.

No. MC 110525 (Sub-No. E1238), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downington, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformer oil*, in bulk, in tank vehicles, from points in New Jersey (except Paulsboro and Pettys Island, Pennsauken Township, Camden County), to Rome, Ga. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 110525 (Sub-No. E1239), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downington, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Lawrence County, Pa., to points in that part of Indiana on and south of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 460 to junction Indiana Highway 68, thence along Indiana Highway 68 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Ironton, Ohio.

No. MC 110525 (Sub-No. E1241), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry adipic acid*, in bulk, in tank vehicles, from Hopewell, Va., to points in New Jersey. The purpose of this filing is to eliminate the gateways of Marcus Hook and Lima, Pa.

No. MC 110525 (Sub-No. E1242), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oils, sea animal oils, vegetable oils, and blends thereof*, in bulk, in tank vehicles, from points in Connecticut, Massachusetts, and Rhode Island, to points in Alabama, Florida, Georgia, North Carolina, Tennessee, and Virginia. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC 110525 (Sub-No. E1243), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, and *acids*, in bulk, in tank vehicles, from Natrium, W. Va., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC 110525 (Sub-No. E1244), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Pennsylvania on and west of U.S. Highway 220 (except points in Allegheny, Beaver, Cambria, Fayette, McKean, and Venango Counties), to points in Indiana. The purpose of this filing is to eliminate the gateways of Warren and Painesville, Ohio.

No. MC 110525 (Sub-No. E1246), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar chemicals*, in bulk, in tank vehicles, from points in Atlantic, Gloucester, Monmouth, and Somerset Counties, N.J., to points in Missouri. The purpose of this filing is to eliminate the gateway of South Fayette, Township Allegheny County, Pa.

No. MC 110525 (Sub-No. E1247), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same

as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar chemicals*, in bulk, in tank vehicles, from points in Hudson and Union Counties, N.J., to points in Missouri. The purpose of this filing is to eliminate the gateway of South Fayette Township, Allegheny County, Pa.

No. MC 110525 (Sub-No. E1248), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrochloric acid and liquid aluminum nitrate*, in bulk, in tank vehicles, from Brooklyn, Ohio; (1) to points in Georgia and that part of Tennessee on and east of U.S. Highway 27 (points in West Virginia) *; and (2) to points in that part of Tennessee west of U.S. Highway 27 (S. Charleston, W. Va.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1249), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Van Wert, Ohio; (1) to points in Georgia and Tennessee (Louisville, Ky.) *; (2) to points in North Carolina and Virginia (points in West Virginia) *; and (3) points in Pennsylvania (points in Allegheny County, Pa.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1250), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and sugar syrup*, in bulk, in tank vehicles, from points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Union, and Warren Counties, N.J., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of New York, N.Y., and Boston, Mass.

No. MC 110525 (Sub-No. E1251), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid lard*, in bulk, in tank vehicles, from points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Union, and Warren Counties, N.J., to Portland, Maine. The purpose of this filing is to eliminate the gateways of Ft. Lee, N.J., and Boston, Mass.

No. MC 110525 (Sub-No. E1252), filed June 4, 1974. Applicant: CHEMICALS LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleic acid, animal and vegetable fatty acids, and plasticizers*, in bulk, in tank vehicles, from Dover, Ohio, to points in that part of Alabama on and south of U.S. Highway 278, and that part of Mississippi on and south of U.S. Highway 82. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 110525 (Sub-No. E1253), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry coal tar chemicals*, in bulk, in tank vehicles, from points in Atlantic, Gloucester, Monmouth, and Somerset Counties, N.J., to points in Maine (except points in Aroostook County), New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Plainfield, N.J., New York, N.Y., and Springfield, Mass.

No. MC 110525 (Sub-No. E1254), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vermiculite*, dry, in bulk, in tank vehicles, from points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Union, and Warren Counties, N.J., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Newark, N.J., and North Billerica, Mass.

No. MC 110525 (Sub-No. E1255), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from points in Indiana to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Newark, N.J.

No. MC 110525 (Sub-No. E1256), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vermiculite*, dry, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Lima, Pa., Newark, N.J., and North Billerica, Mass.

No. MC 110525 (Sub-No. E1257), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid lard*, in bulk, in tank vehicles, from Philadelphia, Pa., to Portland, Maine. The purpose of this filing is to eliminate the gateways of Lima, Pa., Newark, N.J., and Boston, Mass.

No. MC 110525 (Sub-No. E1258), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, dry, in bulk, in tank vehicles, from Hopewell, Va., (1) to points in Connecticut, Massachusetts, and Rhode Island (Philadelphia and Lima, Pa., and Newark, N.J.) *, and (2) to points in Maine (except points in Aroostook County), New Hampshire, and Vermont (Philadelphia and Lima, Pa., Newark, N.J., and Springfield, Mass.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1260), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such adhesives* as are liquid chemicals, in bulk, in tank vehicles, from Conway, N.C., to points in Illinois and Indiana. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 110525 (Sub-No. E1261), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, in tank vehicles, from points in that part of Pennsylvania on and west of Interstate Highway 81, (1) to points in Massachusetts (Kearny, N.J.) *, and (2) to points in Vermont, restricted to the transportation of such above-specified commodities as are dry chemicals (Kearny, N.J., and Springfield, Mass.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1263), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Such coal tar products* as are dry chemicals, in bulk, in tank vehicles, from points in Indiana to points in Maine (except points in Aroostook County), New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., Newark, N.J., and Springfield, Mass.

No. MC 110525 (Sub-No. E1264), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oils, sea animal oils, and vegetable oils*, in bulk, in tank vehicles, from points in Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union and Warren Counties, N.J., and that part of New York on and south of a line beginning at the New York-Vermont State line, thence along New York Highway 7 to Binghampton, thence along U.S. Highway 11 to the New York-Pennsylvania State line, to points in Alabama, Florida, Georgia, North Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC 110525 (Sub-No. E1265), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J., and that part of New York on and south of New York Highway 7 and on and east of U.S. Highway 11, to points in South Carolina. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC 110988 (Sub-No. E1) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER September 4, 1974. Applicant: SCHNEIDER TANK LINES, INC., 200 W. Cecil St., Neenah, Wis. 54956. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *Chemicals used as fertilizer and fertilizer materials* (except fertilizer and fertilizer materials manufactured from petroleum and petroleum products) in bulk, in tank vehicles; (c) from Janesville, Wis., to points in Wyoming, Colorado, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, Pennsylvania, points in that part of Tennessee west of U.S. Highway 27, points in that part of Ohio south of U.S. Highway 24, points in that part of Indiana south of U.S. Highway 24, and points in that part of Nebraska south of U.S. Highway 20; (d) from Marshall, Wis., to points in Wyoming, Colorado, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, Pennsylvania, points in that part of Tennessee west of U.S. Highway 27, points in that part of Ohio south of U.S. Highway 24, points in that part of Indiana south of U.S. Highway 24, and points in that part of Nebraska south of a line beginning at the Wyoming-Nebraska State line, thence along U.S. Highway 20 to junction U.S. Highway 281.

Thence along U.S. Highway 281 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to the Nebraska-Iowa State line (4) *Lignin Liquor*, in bulk, in tank vehicles; (b) from Green Bay, Wis., to Hazelhurst, Miss., and points in Louisiana, Arkansas, Missouri, Kansas, Oklahoma, Texas, Colorado, points in that part of Nebraska on, west, and south of a line beginning at the Nebraska-Wyoming State line, thence along U.S. Highway 20 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to the Nebraska-Iowa State line, and points in that part of Wyoming on, west, and south of a line beginning at the Wyoming-Montana State line, thence along Wyoming Highway 120 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Nebraska State line. (10) *Chemicals used as dry fertilizer and dry fertilizer materials* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk; (a) from the plant site and warehouse facilities of Darling & Co., at Chicago, Ill., to points in Minnesota, North Dakota, points in that part of Wisconsin on and north of a line beginning at Prescott, thence along Wisconsin Highway 29 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction U.S. Highway 41, thence along U.S. Highway 41 to Marinette, points in that part of Michigan on and west of a line beginning at Menominee, thence along U.S. Highway 41 to Marquette, and points in that part of South Dakota on and north of a line beginning at the South Dakota-Wyoming State line, thence along U.S. Highway 16 to junction South Dakota Highway 47.

Thence along South Dakota Highway 47 to junction U.S. Highway 14, thence along U.S. Highway 14 to the South Dakota-Minnesota State line. (17) *Chemicals* (except hydrofiousilic acid and chemicals derived from petroleum), in bulk, in tank vehicles, from Mason City, Iowa, to points in Alabama, points in that part of Tennessee bounded by a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 27 to the Tennessee-Georgia, Tennessee-Alabama, and Tennessee-Mississippi State lines to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction Tennessee Highway 77, thence along Tennessee Highway 77 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Tennessee-Kentucky State line, points in that part of Mississippi on, south, and east of a line beginning at the Mississippi-Tennessee State line, thence along U.S. Highway 45 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Mississippi-Louisiana State line, and those points in Louisiana on and east of a line beginning at the Louisiana-Mississippi State line, thence along U.S. Highway 51 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi River, thence along the Mississippi River to the Gulf of Mexico. (24) *Lime, quick or hydrated*, in bulk, in tank vehicles; (a) from Chicago, Ill. to points in Pennsylvania, New York, West Virginia, Kentucky, North Dakota, South Dakota, Wyoming, Nebraska, Colorado, Kansas, Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Ohio (except points in Cuyahoga, Geauga, Portage, and Lorain Counties), the Lower Peninsula of Michigan, points in that part of Wisconsin north and west of a line beginning at the Wisconsin-Minnesota State line, thence along Wisconsin Highway 29 to junction U.S. Highway 51.

Thence along U.S. Highway 51 to the Wisconsin-Michigan State line, and points in that part of Tennessee on, west, and south of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Georgia State line; (b) from Buffington, Ind., to points in North Dakota, South Dakota, Wyoming, Nebraska, Colorado, Kansas, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, points in that part of Tennessee on, south, and west of a line beginning at the Kentucky-Tennessee State line, thence along Tennessee Highway 69 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line. (35) *Chemicals* (except lignin liquor and lignin pitch), in bulk, in tank vehicles; (a) from Nennah, Menasha, Appleton, and Kimberly, Wis., to points in Colorado, Kansas, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, West Virginia, Pennsylvania, points in that part of Tennessee on and west of U.S. Highway 27, points in that part of Wyoming on and south of U.S. Highway 26, points in that part of Nebraska on and south of a line beginning at the Nebraska-Wyoming State line, thence along U.S. Highway 20 to junction Wyoming Highway 2, thence along Wyoming Highway 2 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line, and points in that part of Ohio on, south, and east of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 36 to junction Ohio Highway 4, thence along Ohio Highway 4 to Sandusky; (b) from Groos, Mich., to points in Iowa, Illinois, Missouri, and Indiana. The purpose of this partial correction is to correct certain discrepancies in the prior publication. The gateways to be

eliminated and the remainder of the letter-notice remain as previously published.

No. MC 110988 (Sub-No. E4), filed May 17, 1974. Applicant: SCHNEIDER TANK LINES, INC., 200 W. Cecil Street, Neenah, Wis. 54596. Applicant's representative: Neil A. DuJardin, same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid smoke flavoring*, in bulk, having an immediate prior movement by rail or water, from points in that part of Wisconsin on, east, and north of a line beginning at Green Bay, thence along U.S. Highway 41 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Sheboygan, to points in the United States (except points in Alaska, Hawaii, Wisconsin, Iowa, the Upper Peninsula of Michigan west of U.S. Highway 23, points in that part of Minnesota south of U.S. Highway 2, points in that part of South Dakota east of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 212 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Minnesota State line, points in that part of Missouri north of a line beginning at the Missouri-Kansas State line, thence along U.S. Highway 36 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Missouri-Illinois State line, and points in that part of Indiana north of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 40 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Indiana-Michigan State line (Manitowoc, Wis.)*;

(2) *Liquid resins, core compounds formaldehyde, and nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Columbus, Ohio, to points in North Dakota, South Dakota, Wyoming, Nebraska, Colorado, points in that part of Kansas north and west of a line beginning at Kansas City, thence along U.S. Highway 24 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Kansas-Oklahoma State line, points in that part of Oklahoma west of U.S. Highway 75, points in that part of Texas west of U.S. Highway 75, and points in that part of Missouri north of U.S. Highway 24 (plant site of Philadelphia Quartz Company at Utica, Ill.)*; (3) *Dry chemicals*, in bulk, in tank vehicles, from the plant sites of Olin Corporation, Stauffer Chemical Company, and American Cyanamid Company at Joliet, Ill., to points on Long Island, N.Y., points in that part of New York on and east of a line beginning at the United States-Canada International Boundary line, thence along New York Highway 30 to junction New York Highway 5, thence along New York Highway 5 to junction Interstate Highway 87, thence along Interstate Highway 87 to the New York-New Jersey State line, points in that part of New Jersey on and east of the Garden State Parkway (that part of the South Beloit, Ill., commercial zone which lies in Wisconsin)*, points in North Dakota, and points in that part of South Dakota on and north of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 16 to junction South Dakota Highway 14, thence along South Dakota Highway 14 to the South Dakota-Minnesota State line (Rothschild, Wis.)*;

(4) *Foundry sand and foundry sand additives*, in bulk, in tank vehicles, (a) from Albion, Mich., to points in North Dakota, South Dakota, Wyoming, Nebraska, Colorado, Kansas, Missouri, Oklahoma, Texas, Arkansas, Louisiana, and Mississippi (plant site of Philadelphia Quartz Co., at Utica, Ill.)*, (b) from Columbus, Ohio, to points in North Dakota, South Dakota, Wyoming, Nebraska, Colorado, points in that part of Kansas north and west of a line beginning at Kansas City, thence along U.S. Highway 24 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Kansas-Oklahoma State line, points in that part of Oklahoma west of U.S. Highway 75, points in that part of Texas west of U.S. Highway 75, and points in that part of Missouri north of U.S. Highway 24 (plant site of Philadelphia Quartz Company at Utica, Ill.)*; (5) *Foundry sand and foundry sand additives*, in bulk, in tank or hopper type vehicles, (a) from Albion, Mich., to points in Minnesota, and (b) from Columbus, Ohio, to points in Minnesota (Portage, Wis.)*, (c) from Granite City, Ill., to points in that part of Minnesota on and east of U.S. Highway 65, points in the Upper Peninsula of Michigan, points in that part of the Lower Peninsula of Michigan on, east, and north of a line beginning at Mackinaw City, thence along Interstate Highway 75 to junction Michigan Highway 32, thence along Michigan Highway 32 to Alpena, points in that part of New York on, east, and north of a line beginning at Wellsley Island on the St. Lawrence River, thence along Interstate Highway 81 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 52, thence along New York Highway 52 to junction Interstate Highway 84, thence along Interstate Highway 84 to the New York-Connecticut State line (that part of the South Beloit, Ill., commercial zone which lies in Wisconsin)*, points in that part of Minnesota on and north of U.S. Highway 12 (Portage, Wis.)*, and points in North Dakota (Rothschild, Wis.)*;

(6) *Liquid liquor and lignin pitch*, in bulk, in tank vehicles, from Peshtigo, Wis., to points in Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, West Virginia, points in that part of Tennessee on and west of U.S. Highway 27, points in that part of Wyoming on and south of U.S. Highway 26 (plant site of Philadelphia Quartz Co., at Utica, Ill.)*, points in Maryland, Virginia, North Carolina, Georgia, Florida, and points in that part of Tennessee on and east of a line beginning at the Virginia-Tennessee State line, thence along U.S. Highway 11W to junction U.S. Highway 11, thence along U.S. Highway 11 to the Tennessee-Georgia State line (Groos, Mich., and Green Bay, Wis.)*; (7) *Liquid chemicals*, in bulk, in tank vehicles, from St. Louis, Mo., to points in that part of Minnesota on and north of U.S. Highway 14 (Portage, Wis.)*; points in North Dakota, and points in that part of South Dakota on and north of U.S. Highway 12 (Rothschild, Wis.)*; (8) *Liquid chemicals* (except lignin liquor and lignin pitch), in bulk, in tank vehicles, from St. Louis, Mo., to points in the Upper Peninsula of Michigan (Appleton, Wis.)*; (9) *Rosin sizing*, in bulk, in tank vehicles, from Neenah, Wis., to points in that part of Minnesota on, north, and west of a line beginning at the Minnesota-North Dakota State line, thence along U.S. Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to International Falls (Appleton, Wis.)*; and (10) *Lignin liquor and lignin pitch*, in bulk, in tank or hopper vehicles, having an immediate prior movement by rail or water, from points in that part of Wisconsin on, and north of a line beginning at LaCrosse, thence along Wisconsin Highway 33 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Sheboygan, to points in Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, and points in that part of Tennessee on and east of U.S. Highway 27 (Appleton, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 112822 (Sub-No. E40) (Correction), filed May 17, 1974, published in the FEDERAL REGISTER September 23, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in that part of Kansas on, east, and south of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 81 to Concordia, thence along Kansas Highway 9 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line to points in Washington and to points in Oregon (except points in Josephine County). The purpose of this filing is to eliminate the gateways of El Dorado, Kans., and Casper, Wyo. The purpose of this correction is to include Washington in the destination territory.

No. MC 113843 (Sub-No. E873), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hanover, Pa., to

Grand Forks, N. Dak. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 116063 (Sub-No. E12), filed May 22, 1974. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats*, in bulk, in tank vehicles, (1) from points in New Mexico to points in Arkansas, Louisiana, Mississippi, and Oklahoma (except from points in Colfax, Harding, Mora, and Union Counties, New Mexico, to points in Cimarron and Texas Counties, Okla.)*; (2) from points in Oklahoma to points in Louisiana and points in Mississippi on and south of U.S. Highway 80; (3) from points in Oklahoma on and south of Interstate Highway 40 to points in Colorado; and (4) from Guymon, Okla., and Clovis and Roswell, N. Mex., to Denver, Colorado Springs, and Greeley, Colo. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 117823 (Sub-No. E1) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER July 31, 1974. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 240 California Avenue, Salt Lake City, Utah 84115. Applicant's representative: Lon Rodney Kump, 200 Law Bldg., 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (6) *Frozen fruits and vegetables and canned fruits and vegetables* when moving in the same vehicle, at the same time with frozen fruits and vegetables, from points in Oregon and Washington, to points in Arizona. The purpose of this filing is to eliminate the gateway of Provo, Utah. (7) *Frozen foods and potato products*, not frozen, from points in California, to Denver, Colo. The purpose of this filing is to eliminate the gateway points of Salt Lake City and Provo, Utah. The purpose of this partial correction is to correct the commodity descriptions. The remainder of the letter-notice remains as previously published.

No. MC 118959 (Sub-No. E3), (Correction), filed May 13, 1974, republished in the FEDERAL REGISTER September 25, 1974. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* * * * (3) from the plant sites and facilities of The Mead Corporation at or near Kingsport and Gray, Tenn., to points in Arizona, that part of Alabama on and south of a line beginning at the Alabama-Florida State line, thence along U.S. Highway 331 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Alabama Highway 56, thence along Alabama Highway 56 to the Alabama-Mississippi State line, that part of Mississippi on and south of a line beginning at the Alabama-Mississippi State line, thence along Mississippi Highway 42 to Hattiesburg, thence along U.S. Highway 98 to the Mississippi-Louisiana State line, that part of Louisiana on and south of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 84 to junction Louisiana Highway 6, thence along Louisiana Highway 6 to the Louisiana-Texas State line, that part of Texas on, south, and west of a line beginning at the Louisiana-Texas State line, thence along Texas Highway 21 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 287, thence along U.S. Highway 287 to Corsicana, thence along Texas Highway 22 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 36, thence along Texas Highway 36 to Abilene, thence along U.S. Highway 84 to the Texas-New Mexico State line, and that part of New Mexico on, south, and west of U.S. Highway 84 (the plant site and storage facilities utilized by St. Regis Paper Company at or near Cantonment, Fla.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to clarify the route description. The remainder of the letter-notice remains as previously published.

NOTE.—The letter-notice filed by Jerry Lipps, Inc.—No. MC 118959 (Sub-No. E1)—was published September 25, 1974, showing the plant site of Tech-Panel Corporation at or near Springfield, Mo. The location should be at or near Springfield, Ky.

No. MC 123407 (Sub-No. E151), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven, Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork (except commodities because of size or weight require the use of special equipment from points in North Dakota, Missouri, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Vermont, New Hampshire, Maine, Iowa (except Jackson), and the District of Columbia to Warren, Ill., restricted against the transportation of lumber, iron and steel, and iron and steel articles. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 123407 (Sub-No. E152), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven, Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork (except lumber, iron and steel, and iron and steel articles) from Dallas, Tex., to Michigan, Pennsylvania, that part of Indiana north of U.S. Highway 30, and that part of Ohio north of U.S. Highway 30, restricted against the transportation of commodities which because of size or weight require the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, and Warren, Ill.

No. MC 123407 (Sub-No. E155), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board, composition insulating board and materials and accessories* used in the installation thereof (except commodities in bulk), from the plant site of Johns-Manville Products Corporation at Waukegan, Ill., to points in Louisiana, Kansas, Oklahoma, Arkansas (except points in Randolph, Clay, Lawrence, Greene, Craighead, Mississippi, Jackson, Poinsett, Woodruff, Cross, Crittenden, St. Francis, Lee, and Phillips Counties, and Mobile and Baldwin Counties, Ala., restricted to the transportation of shipments originating at the said plant site. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 123407 (Sub-No. E157), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board*, from Port Clinton, Ohio, to points in that part of Missouri in and west of Clark, Knox, Macon, Chariton, Saline, Lafayette, Johnson, Henry, Bates, and Vernon Counties, and that part of Oklahoma in and west of Craig, Rogers, Wagoner, Okmulgee, Okfuskee, Seminole, Pontotoc, Murray, Carter, and Love Counties. The purpose of this filing is to eliminate the gateway of East Dubuque, Ill.

No. MC 128741 (Sub-No. E41), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania, on the one hand, and, on the other, points in Fall River, Custer, Pennington, Lawrence, Meade, and Butte Counties, S. Dak. The purpose

of this filing is to eliminate the gateways of Arnold, Nebr., and points within 40 miles thereof and points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E42), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on, east, and south of a line from the West Virginia-Pennsylvania State line along U.S. Highway 119 to the junction of U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in South Dakota on and west of the Missouri River. The purpose of this filing is to elminate the gateways of points in Indiana south of U.S. Highway 40 and Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E43), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania, on the one hand, and, on the other, points in Texas on and west of a line from the Oklahoma-Texas State line along U.S. Highway 77 to the junction of U.S. Highway 87, thence along U.S. Highway 87 to Port Lavaca. The purpose of this filing is to eliminate the gateways of points in Canadian County, Okla., points in Jasper County, Mo., on and north of U.S. Highway 66 and points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E44), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in Pennsylvania on and south of a line from the Ohio-Pennsylvania State line, along Interstate Highway 70 to the junction of U.S. Highway 119, thence along U.S. Highway 119 to the junction of U.S. Highway 22, thence along U.S. Highway 22 to the New Jersey-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E45), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln Nebr. 65801. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in South Carolina, on the one hand, and, on the other, points in South Dakota on and west of South Dakota Highway 37. The purpose of this filing is to eliminate the gateways of Arnold, Nebr., and points within 40 miles thereof and points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E46), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501 Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission between points in South Carolina (except points in Jasper and Beaufort Counties), on the one hand, and, on the other, El Paso, Tex. The purpose of this filing is to eliminate the gateways of points in Canadian County, Okla., points in Jasper County, Mo., north of U.S. Highway 66, and points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E47), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in South Carolina, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E48), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, Inc., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Tennessee on and east of the Tennessee River and Paris, Tenn., on the one hand, and, on the other, points in South Dakota on and west of the Missouri River. The purpose of this filing is to eliminate the gateways of Arnold, Nebr., and points within 40 miles thereof and points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E49), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Virginia, on the one hand, and, on the other, points in South Dakota on and west of the Missouri River. The purpose of this filing is to eliminate the gateways of Arnold, Nebr., and points within 40 miles thereof and points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E50), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in West Virginia, on the one hand, and, on the other, points in South Dakota on and west of the Missouri River. The purpose of this filing is to eliminate the gateways of Arnold, Nebr., and points within 40 miles thereof and points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E51), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Harding, Butte, Lawrence, Remington, Custer, and Fall River Counties, S. Dak., on the one hand, and, on the other, points in Rock, Walworth, Racine and Kenosha Counties, Wis. The purpose of this filing is to eliminate the gateway of Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E52), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between El Paso, Tex., on the one hand, and, on the other, points in Tennessee on and east of a line from the Kentucky-Tennessee State line along Alternate U.S. Highway 41 to the junction of U.S. Highway 64, thence along U.S. Highway 64 to the junction of Tennessee Highway 97, thence along Tennessee Highway 97 to the Alabama-Tennessee State line. The purpose of this filing is to eliminate the gateways of points in Canadian County, Okla., points in Jasper County, Mo., on and north of U.S. Highway 66 and points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E53), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Dalhart, Tex., on the one hand, and, on the other points in Tennessee on and east of a line from the Kentucky-Tennessee State line along Alternate U.S. Highway 41 to the junction of U.S. Highway 64, thence along U.S. Highway 64 to the junction of Tennessee Highway 97, thence along Tennessee Highway 97 to the Alabama-Tennessee State line. The purpose of this filing is to eliminate the gateways of points in Canadian County, Okla., points in Jasper County, Mo., north of U.S. Highway 66 and points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E54), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Tennessee, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateways of points in Indiana south of U.S. Highway.

No. MC 128741 (Sub-No. E55), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St. P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Virginia, on the one hand, and, on the other, points in Texas on, north and west of a line from the Oklahoma-Texas State line along U.S. Highway 62 to the junction of U.S. Highway 83, thence along U.S. Highway 83 to the junction of U.S Highway 277, thence along U.S. Highway 277 to Del Rio, Tex., thence along unnumbered highway to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateways of points in Canadian County, Okla., points in Jasper County, Mo., on and north of U.S. Highway 66 and points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E56), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St. P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Wheeling, W.Va., on the one hand, and, on the other, points in Texas on and west of a line from the Oklahoma-Texas State line along U.S. Highway 75 to the junction of Interstate Highway 35-E, thence along Interstate Highway 35-E to the junction of U.S. Highway 81, thence along U.S. Highway 81 to Laredo, Tex. The purpose of this filing is to eliminate the gateways of points in Indiana south of U.S. Highway 40, points in Jasper County, Mo., on and north of U.S. Highway 66, and points in Canadian County, Okla.

No. MC 128741 (Sub-No. E57), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in West Virginia, on the one hand, and, on the other, points in Texas on, west and north of a line from the Oklahoma-Texas State line along U.S. Highway 62 to the junction of U.S. Highway 83, thence along U.S. Highway 83 to the junction of U.S. Highway 277 to Del Rio, Tex., thence along unnumbered highway to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateways of points in Canadian County, Okla., to points in Jasper County, Mo., on and north of U.S. Highway 66 and points in Indiana south of U.S. Highway 60.

No. MC 28741 (Sub-No. E58), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in Texas on and west of U.S. Highway 75 and on and south of U.S. Highway 66. The purpose of this filing is to eliminate the gateways of points in Canadian County, Okla., and points in Jasper County, Mo., on and north of U.S. Highway 66.

No. MC 128741 (Sub-No. E59), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Virginia, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E60), filed June 4. 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in West Virginia, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-24069 Filed 10-15-74;8:45 am]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Primary Copper, Zinc, and Lead Smelters

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 60]

[FRL 272-2]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Primary Copper, Zinc and Lead Smelters

Pursuant to section 111 of the Clean Air Act, as amended, the Administrator proposes herein standards of performance for new and modified sources within three categories of stationary sources: (1) primary copper smelters, (2) primary zinc smelters, and (3) primary lead smelters. The Administrator also proposes amendments to Appendix A, Reference Methods, of 40 CFR Part 60.

As prescribed by section 111, this proposal of the standards was preceded by the Administrator's determination that these three categories of sources contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare and by his publication of a list of these categories of sources in this issue of the FEDERAL REGISTER. In accordance with section 117 of the Act, publication of these proposed standards was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

Interested persons may participate in this rulemaking by submitting written comments (in triplicate) to the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin. The Administrator will welcome comments on all aspects of the proposed regulations, including economic and technological issues, and on the proposed test method. All relevant comments received on or before December 2, 1974 will be considered. Comments received will be available for public inspection at the Office of Public Affairs, 401 M Street, SW, Washington, D.C. 20460.

The background materials on the standards of performance proposed herein have been published in a report entitled *Background Information for New Source Performance Standards: Primary Copper, Zinc, and Lead Smelters, Volume 1, Proposed Standards* (EPA-450/2-74-002-a). This report is too voluminous to publish in the FEDERAL REGISTER; copies are available on request from the Emission Standards and Engineering Division, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin. The information contained in this report is briefly discussed below.

The bases for the proposed standards include a very extensive survey of the nonferrous smelting industry, including foreign smelting technology, plus the results of emission tests conducted by EPA. In each case, the proposed standards reflect the degree of emission reduction achievable through the application of the best system of emission reduction which, taking into account the cost of achieving such reduction, the Administrator has determined has been adequately demonstrated. It is emphasized that the costs are considered reasonable for new and modified sources and that it is not implied that the same costs apply to the retrofitting of existing sources. Retrofitting existing sources to achieve the proposed standards would, in some cases, cost much more.

As discussed in the background information report, primary copper, zinc, and lead smelters are significant sources of particulate matter and sulfur dioxide (SO_2). The standards proposed for these smelters apply to all process gas streams which have been identified as major sources of particulate matter and SO_2, and for which control technology (considering costs) has been demonstrated. The following affected facilities are specified by the proposed standards:

Primary copper smelters—Dryer Roaster, Smelting furnance, Converter.
Primary zinc smelters—Roasters, Sintering machine.
Primary lead smelters—Sintering machine, Sintering machine discharge end, Blast furnace, Dross reverberatory furnace, Electric smelting furnace, Converter.

GENERAL RATIONALE

Primary smelters discharge both strong SO_2 streams, which contain SO_2 in concentrations greater than 3.5 to 4.0 percent, and weak SO_2 streams, which contain SO_2 in concentrations less than 3.5 percent. The characterization of effluents in terms of these SO_2 concentration levels depends upon the fact that conventional sulfuric acid plants of single absorption (SA) and double absorption (DA) design are economically operable only on streams more concentrated than 3.5 and 4.0 percent SO_2, respectively. Sulfuric acid plants are the primary SO_2 control equipment used by domestic smelters, but the smelting industry has announced plans to construct an elemental sulfur plant, as well as additional systems to produce liquid SO_2, for the control of strong SO_2 streams. Demonstrated control equipment for weak SO_2 streams is available, though this technology has been applied domestically only recently at one smelter, and this system is still undergoing startup. However, the detailed economic analysis contained in the background information report indicates that costs for controlling weak SO_2 streams are at this time so high that they cannot in most cases be reasonably imposed on the smelting industry.

The proposed standards for SO_2 require that control as effective as DA sulfuric acid plants be achieved. Even though 29 of the 31 acid plants which control domestic smelters are of SA design, a trend toward the use of DA plants has already been established by the startup of the first two domestic metallurgical DA plants within the past 18 months and by the initiation of construction or the announced plans for construction of three other DA facilities. DA acid plants discharge 70 to 80 percent less SO_2 than SA plants; typical SO_2 control efficiencies of SA and DA plants are, respectively, 97 percent and 99.5 percent. The capital investment for DA plants is about 15 percent greater than for SA plants, but the DA emission control costs are considered reasonable. Accordingly, the Administrator has determined that DA sulfuric acid plants are best demonstrated systems of emission reduction, considering cost, for strong SO_2 streams from smelters.

The SO_2 emission limitation prescribed by the proposed standards was initially based on EPA tests of SA sulfuric acid plants in combination with assessments by acid plant vendors of the emission control capabilities of DA acid plants. In the absence of domestic metallurgical DA acid plants during the early development of the proposed standards, and in recognition of the desirability of relating acid plant performance to domestic smelting practices, EPA initiated a testing program to characterize emissions from the best domestic metallurgical SA acid plants. The resulting data, including those from long-term continuous SO_2 monitoring of a SA acid plant which treated copper converter gases, provided information on the effects of gas stream fluctuations and acid plant catalyst deterioration on SO_2 emissions. During the later development of the proposed standards, after the first domestic metallurgical DA acid plant had achieved normal operation, EPA began a continuous SO_2 monitoring program at the facility. This monitoring provided the data which serve as the basis for the proposed SO_2 standards. Summaries of these test data and other emission test data collected by EPA during development of the proposed standards are included in the background information report.

Hydrometallurgical extraction processes, which largely eliminate the atmospheric release of SO_2 which is characteristic of pyrometallurgical processes, were considered in developing the proposed standards. A full-scale unit of the Anaconda - Arbiter hydrometallurgical copper extraction process is scheduled for startup in late 1974, but no hydrometallurgical process has to date been successfully commercialized for the treatment of copper, lead, or zinc sulfide ores. In the judgment of the Administrator, the range of applicability of the hydrometallurgical processes has not yet been sufficiently defined to consider basing emission standards solely on these processes.

A standard for visible emissions is proposed for sulfuric acid plants used as control devices to comply with the SO_2 standard. The purpose of this standard is to ensure: (1) that the acid plant is properly maintained and operated to minimize SO_3 emissions which would be converted into sulfuric acid mist in the atmosphere, and (2) that a high-efficiency mist eliminator is installed, maintained, and operated to collect sulfuric acid mist within the acid plant stack.

No particulate standards are proposed for affected facilities subject to an SO_2

standard because the proper operation of acid plants requires that, prior to SO_2 removal, particulate matter be removed to a degree consistent with best available particulate control technology.

PRIMARY COPPER SMELTERS

Fourteen of the existing fifteen domestic copper smelters operate reverberatory smelting furnaces which typically discharge 20–25 percent of the smelter input sulfur, as SO_2, in a weak SO_2 stream. The cost of controlling these emissions is not considered to be reasonable in most cases, as noted above and discussed in detail in the background information report. However, the Administrator has determined that two copper smelting processes which discharge only strong SO_2 streams (flash smelting and electric furnace smelting) are demonstrated smelting technologies and are together applicable to essentially the full range of domestic copper smelting operations. One electric copper smelting furnace is already in use in the U.S., and construction of a second electric furnace has just been completed. The construction of a flash furnace has been started.

The proposed standards require the equivalent of DA acid plant control of SO_2 for roasters, smelting furnaces, and converters at copper smelters. Since reverberatory furnaces emit a weak SO_2 stream and it is very costly to control such streams to meet the proposed standard for SO_2 emissions, it is expected that very few, if any, new reverberatory furnaces will be constructed in the near future. During the development of the proposed standards, the smelting industry expressed strong objections that the alternative flash and electric smelting processes have significant processing limitations. The industry claimed that electric furnace smelting, even though fully as flexible a production method as conventional reverberatory smelting processes now in use, will not be viable in some cases because of the non-availability of electric power. Although not widely practiced at this time, it is feasible to construct a new smelter operation and blend the effluent from a reverberatory furnace with the effluents from a roaster and converter; the combined effluent would be a strong SO_2 stream which could be controlled with a DA acid plant.

The industry also argued that a significant portion of domestically processed copper concentrates cannot be handled by flash furnaces, either because of an insufficient content of sulfur for fuel or an excessive content of lead, zinc or other volatile metals in the concentrates which would interfere with the operation of heat recovery facilities. EPA surveys show, as discussed in the background information report, that approximately 95 percent of domestic ore concentrates have sufficient sulfur, whereas 96 and 99 percent are sufficiently limited in lead and zinc, respectively, to permit the use of flash smelting. Further, the industry raised the point that the decreased capability of conventional flash smelters for eliminating impurities as effectively as reverberatory furnace smelters would result in the production, from those copper concentrates and smelter byproducts containing high levels of such impurities as arsenic, antimony, and bismuth, of anode copper too impure for conversion into quality electrolytic-grade copper. The levels of impurities at which this potential problem would be encountered and the quantities of domestic feed materials which would contain such levels of impurities are not well defined at this time. The industry has stated that the primary impact would be on custom smelters, which conventionally handle higher impurity materials than integrated mining-smelting-refining firms, but that even some custom smelters would be capable of using flash smelting without encountering excessive impurity problems. It has not been demonstrated that the levels of impurities are so high, in a relatively large proportion of domestically processed concentrates and smelting byproducts, as to cause a significant limitation in the use of the flash smelting process. Should increased impurity levels in flash smelting prove to be a problem at some smelters, however, a number of techniques for improved impurity elimination are available: (1) Power for an alternative electric smelter will certainly be available in some situations, and this process is free of the features that are associated with possible reduced impurity elimination in flash smelting; (2) If flash smelting is adopted, alterations in the conventional fire refining and electrolytic refining processes for blister copper are available and would permit an increased removal of impurities. The background information report contains a detailed description of these changes to refining operations; (3) The higher temperatures produced by oxygen enrichment of smelting furnaces or converters at flash smelters are indicative of increased volatilization and probably of increased impurity removal; and (4) Where both relatively clean and relatively impure feed materials are available, blending of materials is a method for effectively reducing the impurity level of the smelter charge.

The industry also pointed out that flash smelters are not capable of processing as large quantities of copper scrap and copper precipitates as conventional reverberatory furnace smelters. The recovery of scrap at primary copper smelters accounts for about 20 percent of domestically produced copper. EPA believes that if the adoption of flash smelting causes any reduction in the capability of primary copper smelters to process scrap, expansion will be encouraged in the domestic secondary copper smelting industry, which already furnishes about 15 percent of domestically produced copper. Primary copper smelters also manufacture about 15 percent of all domestically produced copper by processing copper precipitates, obtained by acid leaching of copper oxide and low-grade copper oxide/copper sulfide ores. EPA believes that if the adoption of flash smelting causes any reduction in the capability of primary copper smelters to recover copper from copper precipitates, expansion will be encouraged in the domestic electrowinning industry, which recovers copper from acid leaching solutions by an alternative process.

Most of the above industrial comments concerning limitations of flash smelters were raised during the latter stages of developing the proposed standards. EPA has subsequently funded a contract study which is intended to independently assess the available information concerning the technical limitations of flash smelters and the associated economic impact of the proposed standards. In the course of this investigation, the contractor will consult with experts on flash smelting technology and on domestic smelting practices. Further, the availability of electric power will be quantified to assess the extent to which electric smelting can be adopted by new copper smelters. The Administrator will consider the results of this study, together with comments submitted by interested persons on or before December 2, 1974, in determining whether the proposed standards should be revised prior to promulgation.

On the basis of information available at this time, the Administrator has determined that the flash and the electric furnace smelting processes, in conjunction with adequately demonstrated emission control systems, constitute the best systems of copper smelter sulfur dioxide emission reduction for new smelters, considering cost, which have been adequately demonstrated. The proposed particulate matter standard for dryers at copper smelters limits emissions to levels achievable with fabric filter control equipment. The visible emission standard specified for dryers is intended to require proper operation and maintenance of such equipment on a day-to-day basis, and not to require the use of a control system different from that required to comply with the particulate standard. The time exemption included in the visible emission standard accommodates higher opacities caused by periodic bag shaking.

At this time, it appears that a substantial amount of the increases in production of copper over the next few years will be accomplished through expansions at the existing primary copper smelters. In the Administrator's judgment, the cost of controlling sulfur dioxide emissions from existing reverberatory furnaces to meet the proposed standards is unreasonable; some exemption is therefore necessary to allow expansions of existing smelters at a reasonable cost. This is accomplished in the proposed sulfur dioxide standard of performance by permitting existing reverberatory smelting furnaces to be modified without meeting the proposed SO_2 standard, provided the total emissions discharged into the atmosphere from all the facilities at the smelter do not increase above levels allowed under implementation plans approved or promulgated under 40 CFR Part 52. The proposed exemption applies only to existing reverberatory smelting

furnaces; any modification of an existing roaster or converter will be subject to the standard of performance. A further exemption may be necessary on a case-by-case basis if an existing smelter has installed best available control technology on roasters and converters and an increase in total emissions from all facilities at the smelter resulting from a proposed modification of an existing reverberatory furnace cannot be avoided through a process change, blending of gas streams, or other control options.

Because of the complexity of the technical and economic issues concerning the proposed standard of performance for copper smelters, the Administrator urges all interested persons to submit factual data bearing on the issues discussed above, or any other issues pertaining to the proposed standard, during the comment period. In particular, comments are solicited on the extent to which it will be necessary to adopt electric furnace smelting to comply with the proposed standard, and on the economics and energy requirements of electric smelting.

PRIMARY ZINC SMELTERS

In developing the proposed standards for emissions from primary zinc smelters, the Administrator has considered both the electrolytic zinc extraction process, which generates no weak SO_2 streams, and those pyrometallurgical processes which conventionally discharge a weak SO_2 stream from sintering machines. A discussion of demonstrated SO_2 control technology for weak and strong SO_2 streams is presented in the General Rationale. When roasting of zinc concentrates precedes sintering, as is the practice at each of the three domestic non-electrolytic zinc smelters, the sintering machine effluent typically contains 3 to 7 percent of the smelter input sulfur at a concentration of 400 to 3000 ppm SO_2. The cost of controlling the weak SO_2 stream from a sintering machine was considered unreasonable. The alternative of basing a standard solely on the electrolytic process produces higher purity, more expensive zinc than is required by many end uses (approximately 50 percent of U.S. zinc consumption). Some uses such as galvanizing even require the presence of impurities, and the application of electrolytically produced zinc would necessitate debasing the metal at an additional cost of 0.5 cent per pound of zinc. On the other hand, the non-electrolytic zinc smelting process accommodates the two major types of reduction furnaces which individually produce intermediate-grade zinc and the lower grade (prime western) zinc for end uses such as galvanizing.

The proposed standards for affected facilities at zinc smelters limit emissions of particulate matter from sintering machines to levels achievable with fabric filter control equipment. As noted above for the copper smelter standard, the visible emission standard specified for sintering machines is intended to require proper operation and maintenance of the control equipment required to comply with the particulate standard and includes a time exemption for higher opacities caused by bag shaking. No sulfur dioxide emission limitation is specified for sintering machines, but any sintering machine which emits more than 10 percent of the smelter input sulfur (as SO_2 will be subject to the same SO_2 standard as zinc roasters. This ensures that sintering machines which are operated simultaneously as roasters and which have been judged to be capable of generating strong SO_2 streams will be controlled to the level required on all other strong SO_2 streams. The proposed standards require the equivalent of DA acid plant control for zinc roasters.

PRIMARY LEAD SMELTERS

In developing the proposed standards for emissions from lead smelters, the Administrator has considered: (1) The conventional process that does not use sintering machine gas recirculation, (2) the similar process including sintering machine gas recirculation, and (3) the electric furnace-converter process. In the first process, the sintering machine effluent is either a single weak SO_2 stream, or a single strong SO_2 stream from the front end of the machine and a single weak SO_2 stream from the back end. If the sintering machine effluent is split, the weak SO_2 stream typically contains 20 percent of the smelter input sulfur. In the second process, gas recirculation permits the attainment of a single strong SO_2 stream from the sintering machine. Both of the first two processes discharge from blast furnaces a weak SO_2 stream containing approximately 7 percent of the smelter input sulfur at a gas stream concentration of 500 to 2500 ppm SO_2. The cost of controlling SO_2 in the blast furnace effluent was considered unreasonable. The third process, using an electric furnace and converters, is the only demonstrated lead smelting process which has been identified to be capable of eliminating all weak SO_2 streams. However, this process has to date been used only in a single foreign smelter, with no SO_2 control applied to the converters. Further, the electric furnace process has not yet handled concentrates containing less than 65 percent lead, and domestic concentrates typically contain 55 percent lead. In the judgment of the Administrator, it has not been demonstrated that the electric furnace process is of sufficiently broad applicability to justify basing the proposed standards solely on this process. However, the Administrator has determined that the proposed standards should be based on the generation of a strong SO_2 sintering machine discharge, thereby effectively requiring sintering machine gas recirculation. A discussion of demonstrated SO_2 control technology for weak and Strong SO_2 streams is presented above under General Rationale.

The proposed standards for affected facilities at lead smelters limit emissions of particulate matter from blast furnaces, dross reverberatory furnaces, and the discharge end of sintering machines to levels achievable with fabric filter control equipment. The visible emission standard specified for these affected facilities is intended, as noted above for the zinc smelter standard, to require proper operation and maintenance of the control equipment used to comply with the particulate standard. A time exemption is included in the visible emission standard to accommodate higher opacities caused by periodic bag shaking. The proposed standards require the equivalent of DA acid plant control for sintering machines, electric furnaces, and converters.

ENVIRONMENTAL EFFECTS

The SO_2 control systems used to comply with the proposed standards will produce large quantities of sulfur-bearing materials, such as sulfuric acid and liquid sulfur dioxide. During the development of the proposed standards, the industry expressed concern that large quantities of sulfuric acid will not be marketable, and will require neutralization and subsequent disposal. At this time, all existing smelters with acid plants appear to have developed markets for acid, and the indications are that there will be an increasing demand for more acid over the next few years. The potential environmental effects of acid disposal, as well as the disposal of sulfates derived from scrubbing systems, involve land and water pollution. Costs for the neutralization and disposal of sulfuric acid were calculated and taken into account in setting the proposed emission limits. The background information report contains a detailed discussion of these potential secondary effects of the proposed standards. It is the judgment of the Administrator that the potential adverse environmental effects of the proposed standards on land and water are less than the effects which would result if the controlled sulfur dioxide were discharged into the atmosphere.

TEST METHODS

The proposed standards require that performance tests be conducted and in addition that SO_2 emissions be continuously measured with continuous monitors for each affected facility subject to an SO_2 standard. Method 12 contains performance specifications for the required continuous SO_2 monitors and prescribes the method for demonstrating monitors on each individual emission source. Except during performance tests, the continuous SO_2 data are not intended to determine compliance with the proposed standards, but to provide a day-to-day indication of proper operation and maintenance of the process and emission control equipment. Compliance with the SO_2 standards is determined only by a performance test, conducted in accordance with the provisions of § 60.8—Performance tests, and with the test methods and procedures contained in each applicable subpart. The reference test method for performance tests is a continuous SO_2 monitor demonstrated by Method 12.

ENERGY REQUIREMENTS

The energy requirements of these proposed standards have been evaluated. The power required to control all new primary copper, lead and zinc smelters constructed by 1980 to comply with the proposed standards is 48.5 million kilowatt-hours per year which is equivalent to about 76,000 barrels per year of Number 6 fuel oil; relative to typical State implementation plan requirements for primary copper, lead, and zinc smelters, the incremental power required by the proposed standards is 4.5 million kilowatt-hours per year, which is equivalent to about 7,000 barrels per year of Number 6 fuel oil. This indicates that the proposed standards will have a minor impact on the imbalance between national energy demand and domestic supply.

The proposed standard for primary copper smelters will probably result in a change in the basic process used to smelt copper. The optional smelting processes are flash furnaces and electric furnaces. A flash smelter which meets the proposed standard will require approximately 25 percent less overall energy utilization than a conventional uncontrolled reverberatory furnace smelter. The overall energy requirements of an electric furnace smelter controlled to meet the proposed standard are roughly comparable to those of a reverberatory furnace smelter with a 20 to 30 percent lower level of control.

The power requirements of the proposed standards are generated by the use of fans or pumps to circulate exhaust gases or scrubbing liquids through the control devices. The proposed standards do not require the direct consumption of appreciable quantities of fuel oil or natural gas. The power required to meet the proposed standards represents no more than approximately 5 percent of the total process power requirements of the smelters to be constructed by 1980.

OPACITY STANDARDS

The proper use of and test methods for opacity standards are presently being reconsidered by the Agency in response to remands from the United States Court of Appeals for the District of Columbia Circuit in Portland Cement Ass'n v. Ruckelshaus, 486 F. 2d 375 (1973), and Essex Chemical Corp. v. Ruckelshaus, 486 F. 2d 427 (1973). The response to the remand in the Portland Cement case should be completed shortly. At that time, the Agency will promulgate or propose such revisions of its opacity standards or test methods as it deems necessary or desirable.

This notice of proposed rulemaking is issued under the authority of sections 111 and 114 of the Clean Air Act, as amended (42 U.S.C. 1857c–6 and 9).

JOHN QUARLES,
Acting Administrator.

OCTOBER 4, 1974.

It is proposed to amend Part 60 of Chapter 1, title 40 of the Code of Federal Regulations, by adding new subparts, P, Q and R, and by adding Method 12 to Appendix A as follows:

Subpart P—Standards of Performance for Primary Copper Smelters

Sec.
60.160 Applicability and designation of affected facility.
60.161 Definitions.
60.162 Standard for particulate matter.
60.163 Standard for sulfur dioxide.
60.164 Standard for visible emissions.
60.165 Emission monitoring.
60.166 Test methods and procedures.

Subpart Q—Standards of Performance for Primary Zinc Smelters

60.170 Applicability and designation of affected facility.
60.171 Definitions.
60.172 Standard for particulate matter.
60.173 Standard for sulfur dioxide.
60.174 Standard for visible emissions.
60.175 Emission monitoring.
60.176 Test methods and procedures.

Subpart R—Standards of Performance for Primary Lead Smelters

60.180 Applicability and designation of affected facility.
60.181 Definitions.
60.182 Standard for particulate matter.
60.183 Standard for sulfur dioxide.
60.184 Standard for visible emissions.
60.185 Emission monitoring.
60.186 Test methods and procedures.

APPENDIX A—REFERENCE METHODS

Method 12—Determination of sulfur dioxide emissions from stationary sources by continuous monitors.

AUTHORITY: Secs. 111, 114, Pub. L. 91-604 (42 U.S.C. 1857(c) (6) and (9)).

Subpart P—Standards of Performance for Primary Copper Smelters

§ 60.160 Applicability and designation of affected facility.

The provisions of this subpart are applicable to the following affected facilities in primary copper smelters: Dryer, roaster, smelting furnace, and copper converter.

§ 60.161 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

(a) "Copper converter" means any vessel to which copper matte is charged and oxidized to copper.

(b) "Dryer" means any facility in which a copper sulfide ore concentrate charge is heated in the presence of air to eliminate a portion of the moisture from the charge, provided less than 5 percent of the sulfur contained in the charge is eliminated in the facility.

(c) "Primary copper smelter" means any installation engaged in the production, or any intermediate process in the production, of copper from copper sulfide ore concentrates through the use of pyrometallurgical techniques.

(d) "Reverberatory smelting furnace" means any vessel in which the smelting of copper sulfide ore concentrates or calcines is performed and in which the heat necessary for smelting is provided primarily by combustion of a fossil fuel.

(e) "Roaster" means any facility in which a copper sulfide ore concentrate charge is heated in the presence of air to eliminate a significant portion (5 percent or more) of the sulfur contained in the charge.

(f) "Smelting" means processing techniques for the melting of a copper sulfide ore concentrate or calcine charge leading to the formation of separate layers of molten slag, molten copper, and/or copper matte.

(g) "Smelting furnace" means any vessel in which the smelting of copper sulfide ore concentrates or calcines is performed and in which the heat necessary for smelting is provided by an electric current, rapid oxidation of a portion of the sulfur contained in the concentrate as it passes through an oxidizing atmosphere, or the combustion of a fossil fuel.

(h) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process.

§ 60.162 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any dryer any gases which contain particulate matter in excess of 50 mg/dscm (0.022 gr/dscf).

§ 60.163 Standard for sulfur dioxide.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any roaster, smelting furnace, or copper converter any gases which contain sulfur dioxide in excess of 0.065 percent by volume, except as provided in paragraph (b) of this section.

(b) Any physical or operational change to any existing reverberatory smelting furnace which results in an increase in sulfur dioxide emission rate from such furnace shall not be considered a modification to such furnace provided the combined total rate of sulfur dioxide emissions discharged into the atmosphere from all existing and affected facilities at the primary copper smelter does not increase. The baseline sulfur dioxide emission rate shall be that allowed under implementation plans approved or promulgated under 40 CFR Part 52.

§ 60.164 Standard for visible emissions.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any dryer any visible emissions which exhibit 20 percent or greater opacity, except for 2 minutes in any one hour.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner

or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility that uses a sulfuric acid plant to comply with the standard set forth in § 60.163, any visible emissions which exhibit 20 percent or greater opacity, except for 2 minutes in any one hour.

(c) Where the presence of uncombined water is the only reason for failure to meet the requirement of paragraph (a) or (b) of this section, such failure shall not be a violation of this section.

§ 60.165 Emission monitoring.

(a) The owner or operator of any primary copper smelter subject to the provisions of this subpart shall install, calibrate, maintain, and operate measurement systems as follows:

(1) A photoelectric or other type smoke detector and recorder to continuously monitor and record the opacity of gases discharged into the atmosphere from any dryer.

(2) An instrument for continuously monitoring and recording sulfur dioxide emissions subject to § 60.163. For the purpose of this subparagraph, "continuous monitoring" means the sampling, analyzing and recording of at least one measurement of sulfur dioxide concentration, from the effluent of the emission control system serving each roaster, smelting furnace, or copper converter, in each 15-minute period.

(b) The measurement system installed and used pursuant to paragraph (a) (1) of this section shall meet specifications prescribed by the Administrator. The measurement system installed and used pursuant to paragraph (a) (2) of this section shall be demonstrated in accordance with the specification test procedures prescribed in Method 12 in Appendix A to this part to meet the measurement system performance specifications also prescribed in Method 12.

(c) The Administrator shall receive notification postmarked not less than 2 weeks in advance of the start of the field test period required in Method 12 to afford the Administrator the opportunity to have an observer present.

(d) Emissions shall be monitored by sampling gases discharged from the emission control system. The sampling point for sulfur dioxide emissions subject to § 60.163 shall be in the duct at the centroid of the cross section if the cross sectional area is less than 4.6 m^2 (49.496 ft^2) or at a point no closer to the wall than 1.0 m (3.281 ft) if the cross sectional area is 4.6 m^2 (49.496 ft^2) or more.

(e) The measurement system installed and used pursuant to this section shall be subjected to the manufacturer's recommended zero and span adjustment at least once daily unless the manufacturer recommends adjustments at shorter intervals, in which case such recommendations shall be followed. Minimum procedures for non-extractive monitoring systems shall include upscale adjustment using a certified calibration gas cell or a test cell which is optically equivalent to a known gas concentration.

(f) Six-hour average sulfur dioxide concentrations shall be calculated in accordance with § 60.166(c), and recorded daily, for four consecutive 6-hour periods of each operating day.

(g) For the purpose of reports pursuant to § 60.7(c), periods of excess emissions that shall be reported are defined as follows:

(1) *Opacity.* All hourly periods in which the opacity of the gases discharged into the atmosphere from any dryer subject to § 60.164(a) exceeds 20 percent for more than 2 minutes.

(2) *Sulfur dioxide.* All 6-hourly periods, as described in paragraph (f) of this section and in § 60.166(c), during which the average sulfur dioxide concentration in the gases discharged into the atmosphere from any affected facility exceeds the limit set forth in § 60.163.

§ 60.166 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided for in § 60.8(b), shall be used to determine compliance with the standards prescribed in §§ 60.162 and 60.163 as follows:

(1) Method 5 for the concentration of particulate matter and the associated moisture content,

(2) Method 1 for sample and velocity traverses,

(3) Method 2 for velocity and volumetric flow rate,

(4) Method 3 for gas analysis, and

(5) Method 12 for the concentration of sulfur dioxide.

(b) For Method 5, the sampling time for each run shall be at least 120 minutes and the sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min) except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the Administrator.

(c) For Method 12, sulfur dioxide concentrations shall be determined using the continuous measurement system installed, calibrated, maintained, and operated in accordance with § 60.165(a), (b), (d), and (e). One continuous 6-hour sample shall constitute one run. Six-hour average concentrations of sulfur dioxide shall be calculated as follows:

(1) Divide the 6-hour period into twenty-four 15-minute segments.

(2) Determine a sulfur dioxide concentration measurement for each 15-minute period. This measurement may be obtained either by continuous integration of all measurements (from the specified affected facility) recorded during the 15-minute period or from the arithmetic average of any number of concentration readings equally spaced over the 15 minutes. In the latter case, the same number of concentration readings shall be taken in each 15-minute period and shall be similarly spaced within each 15-minute period.

(3) Calculate the arithmetic average of all 24 concentration measurements.

Subpart Q—Standards of Performance for Primary Zinc Smelters

§ 60.170 Applicability and designation of affected facility.

The provisions of this subpart are applicable to the following affected facilities in primary zinc smelters: roaster and sintering machine.

§ 60.171 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

(a) "Primary zinc smelter" means any installation engaged in the production, or any intermediate process in the production, of zinc or zinc oxide from zinc sulfide ore concentrates through the use of pyrometallurgical techniques.

(b) "Roaster" means any facility in which a zinc sulfide ore concentrate charge is heated in the presence of air to eliminate a significant portion (10 percent or more) of the sulfur contained in the charge.

(c) "Sintering machine" means any furnace in which calcines are heated in the presence of air to agglomerate the calcines into a hard porous mass called "sinter."

(d) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process.

§ 60.172 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any sintering machine any gases which contain particulate matter in excess of 50 mg/dscm (0.022 gr/dscf).

§ 60.173 Standard for sulfur dioxide.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any roaster any gases which contain sulfur dioxide in excess of 0.065 percent by volume.

§ 60.174 Standard for visible emissions.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any sintering machine any visible emissions which exhibit 20 percent or greater opacity, except for 2 minutes in any one hour.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility that uses a sulfuric acid plant to comply with the standard set forth in

§ 60.173, any visible emissions which exhibit 20 percent or greater opacity, except for 2 minutes in any one hour.

(c) Where the presence of uncombined water is the only reason for failure to meet the requirements of paragraph (a) or (b) of this section, such failure shall not be a violation of this section.

§ 60.175 Emission monitoring.

(a) The owner or operator of any primary zinc smelter subject to the provisions of this subpart shall install, calibrate, maintain, and operate measurement systems as follows:

(1) A photoelectric or other type smoke detector and recorder to continuously monitor and record the opacity of gases discharged into the atmosphere from any sintering machine.

(2) An instrument for continuously monitoring and recording the concentration of sulfur dioxide in gases discharged into the atmosphere from any roaster. For the purpose of this subparagraph, "continuous monitoring" means the sampling, analyzing and recording of at least one measurement of sulfur dioxide concentration in each 15-minute period.

(b) The measurement system installed and used pursuant to paragraph (a) (1) of this section shall meet specifications prescribed by the Administrator. The measurement system installed and used pursuant to paragraph (a) (2) of this section shall be demonstrated in accordance with the specification test procedures prescribed in Method 12 in Appendix A to this part to meet the measurement system performance specifications also prescribed in Method 12.

(c) The Administrator shall receive notification postmarked not less than 2 weeks in advance of the start of the field test period required in Method 12 to afford the Administrator the opportunity to have an observer present.

(d) Emissions shall be monitored by sampling gases discharged from the emission control systems. The sampling point for sulfur dioxide emissions subject to § 60.173 shall be in the duct at the centroid of the cross section if the cross sectional area is less than 4.6 m^2 (49.496 ft^2) or at a point no closer to the wall than 1.0 m (3.281 ft) if the cross sectional area is 4.6 m^2 (49.496 ft^2) or more.

(e) The measurement systems installed and used pursuant to this section shall be subjected to the manufacturer's recommended zero and span adjustment at least once daily unless the manufacturer recommends adjustments at shorter intervals, in which case such recommendations shall be followed. Minimum procedures for nonextractive monitoring systems shall include upscale adjustment using a certified calibration gas cell or a test cell which is optically equivalent to a known gas concentration.

(f) Two-hour average sulfur dioxide concentrations shall be calculated in accordance with § 60.176(c), and recorded daily, for 12 consecutive 2-hour periods of each operating day.

(g) For the purpose of reports pursuant to § 60.7(c), periods of excess emissions that shall be reported are defined as follows:

(1) *Opacity.* All hourly periods in which the opacity of the gases discharged into the atmosphere from any sintering machine subject to § 60.174(a) exceeds 20 percent for more than 2 minutes.

(2) *Sulfur dioxide.* All 2-hourly periods, as described in paragraph (f) of this section and in § 60.176(c), during which the average sulfur dioxide concentration in the gases discharged into the atmosphere from any roaster exceeds the limit set forth in § 60.173.

§ 60.176 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided for in § 60.8(b), shall be used to determine compliance with the standards prescribed in §§ 60.172 and 60.173 as follows:

(1) Method 5 for the concentration of particulate matter and the associated moisture content,

(2) Method 1 for sample and velocity traverses,

(3) Method 2 for velocity and volumetric flow rate,

(4) Method 3 for gas analysis, and

(5) Method 12 for the concentration of sulfur dioxide.

(b) For Method 5, the sampling time for each run shall be at least 120 minutes and the sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min) except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the Administrator.

(c) For Method 12, sulfur dioxide concentrations shall be determined using the continuous measurement system installed, calibrated, maintained, and operated in accordance with § 60.175 (a), (b), (d), and (e). One continuous 2-hour sample shall constitute one run. Two-hour average concentrations of sulfur dioxide shall be calculated as follows:

(1) Divide the 2-hour period into eight 15-minute segments.

(2) Determine a sulfur dioxide concentration measurement for each 15-minute period. This measurement may be obtained either by continuous integration of all measurements (from the specified affected facility) recorded during the 15-minute period or from the arithmetic average of any number of concentration readings equally spaced over the 15 minutes. In the latter case, the same number of concentration readings shall be taken in each 15-minute period and shall be similarly spaced within each 15-minute period.

(3) Calculate the arithmetic average of all eight concentration measurements.

Subpart R—Standards of Performance for Primary Lead Smelters

§ 60.180 Applicability and designation of affected facility.

The provisions of this subpart are applicable to the following affected facilities in primary lead smelters: sintering machine, sintering machine discharge end, blast furnace, dross reverberatory furnace, electric smelting furnace, and converter.

§ 60.181 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

(a) "Blast furnace" means any reduction furnace to which sinter is charged and which forms separate layers of molten slag and lead bullion.

(b) "Converter" means any vessel to which lead concentrate or bullion is charged and refined.

(c) "Dross reverberatory furnace" means any furnace used for the removal or refining of impurities from lead bullion.

(d) "Electric smelting furnace" means any furnace in which the heat necessary for smelting of the lead sulfide ore concentrate charge is generated by passing an electric current through a portion of the molten mass in the furnace.

(e) "Primary lead smelter" means any installation engaged in the production, or any intermediate process in the production, of lead from lead sulfide ore concentrates through the use of pyrometallurgical techniques.

(f) "Sinter bed" means the lead sulfide ore concentrate charge within a sintering machine.

(g) "Sintering machine" means any furnace in which a lead sulfide ore concentrate charge is heated in the presence of air to eliminate sulfur contained in the charge and to agglomerate the charge into a hard porous mass called "sinter."

(h) "Sintering machine discharge end" means any apparatus which receives sinter as it is discharged from the conveying grate of a sintering machine.

(i) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process.

§ 60.182 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any blast furnace, dross reverberatory furnace, or sintering machine discharge end any gases which contain particulate matter in excess of 50 mg/dscm (0.022 gr/dscf).

§ 60.183 Standard for sulfur dioxide.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any sintering machine (provided such gases pass through the sinter bed), electric smelting furnace, or converter any gases which contain sulfur dioxide in excess of 0.065 percent by volume.

§ 60.184 Standard for visible emissions.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any blast furnace, dross reverberatory furnace, or sintering machine discharge end any visible

emissions which exhibit 20 percent or greater opacity, except for 2 minutes in any one hour.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility that uses a sulfuric acid plant to comply with the standard set forth in § 60.183, any visible emissions which exhibit 20 percent or greater opacity, except for 2 minutes in any one hour.

(c) Where the presence of uncombined water is the only reason for failure to meet the requirements of paragraph (a) or (b) of this section, such failure shall not be a violation of this section.

§ 60.185 Emission monitoring.

(a) The owner or operator of any primary lead smelter subject to the provisions of this subpart shall install, calibrate, maintain, and operate measurement systems as follows:

(1) A photoelectric or other type smoke detector and recorder to continuously monitor and record the opacity of gases discharged into the atmosphere from any affected facility subject to § 60.184(a).

(2) An instrument for continuously monitoring and recording the concentration of sulfur dioxide in gases discharged into the atmosphere from any affected facility subject to § 60.183(a). For the purpose of this subparagraph, "continuous monitoring" means the sampling, analyzing and recording of at least one measurement of sulfur dioxide concentration in each 15-minute period.

(b) The measurement system installed and used pursuant to paragraph (a) (1) of this section shall meet specifications prescribed by the Administrator. The measurement system installed and used pursuant to paragraph (a) (2) of this section shall be demonstrated in accordance with the specification test procedures prescribed in Method 12 in Appendix A to this part to meet the measurement system performance specifications also prescribed in Method 12.

(c) The Administrator shall receive notification postmarked not less than 2 weeks in advance of the start of the field test period required in Method 12 to afford the Administrator the opportunity to have an observer present.

(d) Emissions shall be monitored by sampling gases discharged from the emission control systems. The sampling point for sulfur dioxide emissions subject to § 60.183 shall be in the duct at the centroid of the cross section if the cross sectional area is less than 4.6 m^2 (49.496 ft^2) or a a point no closer to the wall than 1.0 m (3.281 ft) if the cross sectional area is 4.6 m^2 (49.496 ft^2) or more.

(e) The measurement systems installed and used pursuant to this section shall be subjected to the manufacturer's recommended zero and span adjustment at least once daily unless the manufacturer recommends adjustments at shorter intervals, in which case such recommendations shall be followed. Minimum procedures for non-extractive monitoring systems shall include upscale adjustment using a certified calibration gas cell or a test cell which is optically equivalent to a known gas concentration.

(f) Two-hour average sulfur dioxide concentrations shall be calculated in accordance with § 60.186(c), and recorded daily, for 12 consecutive 2-hour periods of each operating day.

(g) For the purpose of reports pursuant to § 60.7(c), periods of excess emissions that shall be reported are defined as follows:

(1) *Opacity.* All hourly periods in which the opacity of the gases discharged into the atmosphere from any affected facility subject to § 60.184(a) exceeds 20 percent for more than 2 minutes.

(2) *Sulfur dioxide.* All 2-hourly periods, as described in paragraph (f) of this section and in § 60.186(c), during which the average sulfur dioxide concentration in the gases discharged into the atmosphere from any affected facility exceeds the limit set forth in § 60.183.

§ 60.186 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided for in § 60.8(b), shall be used to determine compliance with the standards prescribed in §§ 60.182 and 60.183 as follows:

(1) Method 5 for the concentration of particulate matter and the associated moisture content,

(2) Method 1 for sample and velocity traverses,

(3) Method 2 for velocity and volumetric flow rate.

(4) Method 3 for gas analysis, and

(5) Method 12 for the concentration of sulfur dioxide.

(b) For Method 5, the sampling time for each run shall be at least 120 minutes and the sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min) except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the Administrator.

(c) For Method 12, sulfur dioxide concentrations shall be determined using the continuous measurement system installed, calibrated, maintained, and operated in accordance with § 60.185(a), (b), (d), and (e). One continuous 2-hour sample shall constitute one run. Two-hour average concentrations of sulfur dioxide shall be calculated as follows:

(1) Divide the 2-hour period into eight 15-minute segments.

(2) Determine a sulfur dioxide concentration measurement for each 15-minute period. This measurement may be obtained either by continuous integration of all measurements (from the specified affected facility) recorded during the 15-minute period or from the arithmetic average of any number of concentration readings equally spaced over the 15 minutes. In the latter case, the same number of concentration readings shall be taken in each 15-minute period and shall be similarly spaced within each 15-minute period.

(3) Calculate the arithmetic average of all eight concentration measurements.

2. Appendix A is amended by adding Method 12 as follows:

METHOD 12. DETERMINATION OF SULFUR DIOXIDE EMISSIONS FROM STATIONARY SOURCES BY CONTINUOUS MONITORS

1. Principle and Applicability. 1.1 Principle. Gases are continuously sampled in the stack emissions and analyzed for sulfur dioxide by a continuously operating emission measurement system. Sampling may include either the extractive or non-extractive (in situ) approach.

1.2 Applicability. This method is applicable to the instrument systems specified by subparts for continuously monitoring sulfur dioxide emissions. Specifications for continuous measurement of sulfur dioxide are given in terms of performance specifications. Test procedures are given to determine the capability of the measurement systems to conform to the performance specifications prior to approving the systems installed by an affected facility.

2. Apparatus. 2.1 Calibration Gas Mixture. Mixture of a known concentration of sulfur dioxide in oxygen-free nitrogen. Nominal concentrations of 50 percent and 90 percent of span are recommended. The 90 percent gas mixture is to be used to set and to check the span and is referred to as the span gas. The gas mixtures shall be analyzed by Method 6 or 8 within 2 weeks prior to use, or demonstrated to be accurate and stable by an alternative method subject to approval of the Administrator.

2.2 Zero Gas. A gas containing less than 1 ppm of sulfur dioxide.

2.3 Equipment for measurement of the sulfur dioxide concentration using Method 6 or Method 8.

2.4 Chart Recorder. Analog chart recorder, input voltage range compatible with analyzer system output.

2.5 Continuous measurement system for SO_2.

3. Definitions. 3.1 Measurement System. The total equipment required for the determination of a sulfur dioxide concentration in a given source effluent. The system consists of three major subsystems:

3.1.1 Sampling Interface—That portion of the measurement system that performs one or more of the following operations: delineation, acquisition, transportation, and conditioning of a sample of the source effluent or protection of the analyzer from the hostile aspects of the sample or source environment.

3.1.2 Analyzer—That portion of the measurement system which senses the pollutant gas and generates a signal output that is a function of the pollutant concentration.

3.1.3 Data Recorder—That portion of the measurement system that provides a permanent record of the output signal in terms of concentration units.

3.2 Span. The value of sulfur dioxide concentration at which the measurement system is set to produce the maximum data display output. For the purposes of this method, the span shall be set at a sulfur dioxide concentration of 2000 ppm by volume except as specified under 5.2.

3.3 Accuracy (Relative). The degree of correctness with which the measurement system yields the value of gas concentration of a sample relative to the value given by a defined reference method. This accuracy is expressed in terms of error, which is the difference between the paired concentration measurements expressed as a percentage of the mean reference value.

3.4 Calibration Error. The difference between the pollutant concentration indicated

by the measurement system and the known concentration of the test gas mixture.

3.5 Zero Drift. The change in measurement system output over a stated period of time of normal continuous operation when the pollutant concentration at the time for the measurement is zero.

3.6 Calibration Drift. The change in measurement system output over a stated time period of normal continuous operation when the pollutant concentration at the time of the measurement is the same known upscale value.

3.7 Response Time. The time interval from a step change in pollutant concentration at the input to the measurement system to the time at which 95 percent of the corresponding final value is reached as displayed on the measurement system data presentation device.

3.8 Operational Period. A minimum period of time over which a measurement system is expected to operate within certain performance specifications without unscheduled maintenance, repair or adjustment.

4. Measurement System Performance Specifications.

A measurement system shall meet the performance specifications in Table 12-1 to be considered acceptable under this method.

TABLE 12-1. PERFORMANCE SPECIFICATIONS

Parameter	*Specification*
1. Accuracy [1]	≤20% of reference mean value.
2. Calibration error [1]	≤5% of each (50 percent, 90 percent) calibration gas mixture value.
3. Zero drift (2-hour) [1]	≤2% of emission standard.
4. Zero drift (24-hour) [1]	≤4% of emission standard.
5. Calibration drift (2-hour) [1]	≤2% of emission standard.
6. Calibration drift (24-hour) [1]	≤5% of emission standard.
7. Response time	15 minutes maximum.
8. Operational period	168 hours minimum.

[1] Expressed as sum of absolute mean value plus 95 percent confidence interval of a series of tests.

5.2 Field Test for Accuracy (Relative), Zero Drift, and Calibration Drift. Install and operate the measurement system in accordance with the manufacturer's written instructions and drawings as follows:

5.2.1 Conditioning Period—Offset the zero setting at least 10 percent of span so that negative zero drift can be quantified. Operate the system for an initial 168-hour conditioning period in a normal operational manner.

5.2.2 Operational Test Period—Operate the system for an additional 168-hour period. The system shall be monitoring the source effluent at all times when not being zeroed, calibrated, or backpurged.

5.2.2.1 Field Test for Accuracy (Relative). The analyzer output for this test shall be maintained between 20 percent or 90 percent of full scale. Depending upon the source emission concentration, this may require setting the analyzer span at a concentration below 2000 ppm. It is recommended that a calibrated gas mixture be used to verify the span setting utilized. During this 168-hour test period, make a minimum of nine (9) SO_2 concentration measurements using Method 8 with a sampling period of one hour. Isokinetic sampling and analysis for SO_2 and H_2SO_4 mist are not required. For measurement systems employing extractive sampling, it is recommended that the measurement system and the Method 8 probe tips be placed adjacent to each other in the duct. One test will consist of one sample. Record the test data and measurement system concentrations on the example sheet shown in Figure 12-3.

5. Performance Specification Test Procedures. The following test procedures shall be used to determine conformance with the requirements of paragraph 4:

5.1 Calibration test.

5.1.1 Analyze each calibration gas mixture (50 percent, 90 percent) for sulfur dioxide as required by paragraph 2.1 and record the results on the example sheet shown in Figure 12-1. This step may be omitted for non-extractive monitors where dynamic calibration gas mixtures are not used (see 5.1.2).

5.1.2 Set up and calibrate the complete measurement system according to the manufacturer's written instructions. This may be accomplished either in the laboratory or in the field. Make a series of five non-consecutive readings with span gas mixtures alternately at each concentration (e.g., 50%, 90%, 50%, 90%, 50%). For non-extractive measurement systems, this test may be performed using procedures specified by the manufacturer and two or more calibration gases whose concentrations are certified by the manufacturer and differ by a factor of two or more. Convert the measurement system output readings to ppm and record the results on the example sheet shown in Figure 12-2.

5.2.2.2 Field Test for Zero Drift and Calibration Drift. Determine the values given by zero and span gas pollutant concentrations at 2-hour intervals until 15 sets of data are obtained. For nonextractive measurement systems the zero and span values may be determined by producing electrically or mechanically a zero condition and by inserting a certified calibration gas concentration equivalent to not less than 300 ppm into the measurement system. Record these readings on the example sheet shown in Figure 12-4. These 2-hour periods need not be consecutive but may not overlap. The zero and span determinations to be made under this paragraph may be made concurrent with the tests under 5.2.2.1. Zero and calibration corrections and adjustments are allowed only at 24-hour intervals or at such shorter intervals as the manufacturer's written instructions specify. Automatic corrections made by the measurement system without operator intervention or initiation are allowable at any time. During the entire 168-hour operational test period, record on the example sheet shown in Figure 12-5 the values given by zero and span gas SO_2 concentrations before and after adjustment at 24-hour intervals.

5.3 Field Test for Response Time.

5.3.1 Use the entire measurement system as installed, including sample transport lines if used. Flow rates, line diameters, pumping rates, pressures (do not allow the pressurized calibration gas to change the normal operating pressure in the sample line), etc., shall be at the nominal values for normal operation as specified in the manufacturer's written instructions. If the analyzer is used to sample more than one pollutant source (stack), repeat this test for each sampling point.

5.3.2 Introduce zero gas into the measurement system sampling interface or as close to the sampling interface as possible. When the system output reading has stabilized, switch quickly to a known concentration of sulfur dioxide at 70 to 90 percent of span. Record the time from concentration switching to final stable response. After the system response has stabilized at the upper level, switch quickly to a zero concentration of pollutant gas. Record the time from concentration switching to final stable response. For non-extractive monitors, the highest available calibration gas concentration shall be switched into and out of the sample path and response times recorded. Perform this test sequence three (3) times. Record the results of each test on the example sheet shown in Figure 12-6.

6. Calculations, Data Analysis and Reporting.

6.1 Procedure for determination of mean values and confidence intervals.

6.1.1 The mean value of a data set is calculated according to equation 12-1.

EQUATION 12-1

$$\bar{x}=\frac{1}{n}\sum_{i=1}^{n}x_i$$

where:

x_i = individual values,
Σ = sum of the individual values,
$\bar{x}$ = mean value, and
n = number of data points.

6.1.2 The 95 percent confidence interval (two-sided) is calculated according to equation 12-2.

EQUATION 12-2

$$\text{C.I.}_{95}=\frac{t_{.975}}{n\sqrt{n-1}}\sqrt{n(\Sigma x_i^2)-(\Sigma x_i)^2}$$

where
Σx_i = sum of all data points,
$t_{.975}$ = $t_{1-\alpha/2}$, and
C.I._{95} = 95 percent confidence interval estimate of the mean value.

VALUES FOR $t_{.975}$

n	$t_{.975}$	n	$t_{.975}$	n	$t_{.975}$
2	12.706	7	2.447	12	2.201
3	4.303	8	2.365	13	2.179
4	3.182	9	2.306	14	2.160
5	2.776	10	2.262	15	2.145
6	2.571	11	2.228	16	2.131

The values in this table are already corrected for n-1 degrees of freedom. Use n equal to the number of samples as data points.

6.2 Data Analysis and Reporting.

6.2.1 Accuracy (Relative)—For each of the nine reference method testing periods, determine the average sulfur dioxide concentration reported by the continuous measurement system. These average concentrations shall be determined from the measurement system data recorded under 5.2.2.1 by integrating the pollutant concentrations over each of the time intervals concurrent with each reference method test, then dividing by the cumulative time of each applicable reference method testing period. Before proceeding to the next step, determine the basis (wet or dry) of the measurement system data and reference method test data concentrations. If the bases are not consistent, apply a moisture correction to either the reference method concentrations or the measurement system concentrations, as appropriate. Determine the correction factor by moisture tests concurrent with the reference method testing periods. Report the moisture test method and the correction procedure employed. For each of the nine test runs, subtract the respective Method 6 or Method 8 test concentrations from the continuous monitoring system average concentrations. Using these data, compute the mean difference and the 95 percent confidence interval using equations 12-1 and 12-2. Accuracy is reported as the sum of the

absolute value of the mean difference and the 95 percent confidence interval expressed as a percentage of the mean reference method value. Use the example sheet shown in Figure 12–3.

6.2.2 Calibration Error—Using the data from paragraph 5.1, subtract the measured pollutant concentration determined under paragraph 5.1.1 (Figure 12–1) from the value shown by the measurement system for each of the five readings at each concentration measured under 5.1.2 (Figure 12–2). Calculate the mean of these difference values and the 95 percent confidence intervals according to equations 12–1 and 12–2. Report the calibration error (the sum of the absolute value of the mean difference and the 95 percent confidence interval) as a percentage of each respective calibration gas concentration. Use example sheet shown in Figure 12–2.

6.2.3 Zero Drift (2-hour)—Using the zero concentration values measured each 2 hours during the field test, calculate the differences between consecutive 2-hour readings expressed in ppm. Calculate the mean difference and the confidence interval using equations 12–1 and 12–2. Report the zero drift as the sum of the absolute mean value and the confidence interval as a percentage of the emission standard. Use example sheet shown in Figure 12–4.

6.2.4 Zero Drift (24-hour)—Using the zero concentration values measured every 24 hours during the field test, calculate the differences between the zero point after zero adjustment and the zero value 24 hours later just prior to zero adjustment. Calculate the mean value of these points and the confidence interval using equations 12–1 and 12–2. Report the zero drift (the sum of the absolute mean and confidence interval) as a percentage of the emission standard. Use example sheet shown in Figure 12–5.

6.2.5 Calibration Drift (2-hour)—Using the calibration values obtained at 2-hour intervals during the field test, calculate the differences between consecutive 2-hour readings expressed as ppm. These values should be corrected for the corresponding zero drift during that 2-hour period. Calculate the mean and confidence interval of these corrected difference values using equations 12–1 and 12–2. Do not use the differences between non-consecutive readings. Report the calibration drift (the sum of the absolute mean and confidence interval) as a percentage of the emission standard. Use the example sheet shown in Figure 12–4.

6.2.6 Calibration Drift (24-hour)—Using the calibration values measured every 24 hours during the field test, calculate the differences between the calibration concentration reading after zero and calibration adjustment and the calibration concentration reading 24 hours later after zero adjustment but before calibration adjustment. Calculate the mean value of these differences and the confidence interval using equations 12–1 and 12–2. Report the sum of the absolute mean and confidence interval as a percentage of the emission standard. Use the example sheet shown in Figure 12–5.

6.2.7 Response Time—Using the results under paragraph 5.3, calculate the time interval from concentration switching to 95 percent to the final stable value for all upscale and downscale tests. Report the mean of the three upscale test times and the mean of the three downscale test times. 8he two average times should not differ by more than 15 percent of the slower time. Report the slower time as the system response time. Use the example sheet shown in Figure 12–6.

6.2.8 Operational Test Period—During the 168-hour performance and operational test period, the measurement system shall not require any corrective maintenance, repair, replacement, or adjustment other than that clearly specified as required in the operation and maintenance manuals as routine and expected during a 1-week period. If the measurement system operates within the specified performance parameters and does not require corrective maintenance, repair, replacement or adjustment other than as specified above during the 168-hour test period, the operational period will be successfully concluded. Failure of the measurement to meet this requirement shall call for a repetition of the 168-hour test period. Portions of the test which were satisfactorily completed need not be repeated. Failure to meet any performance specifications shall call for a repetition of the 1-week performance test period and that portion of the testing which is related to the failed specification. All maintenance and adjustments required shall be recorded. Output readings shall be recorded before and after all adjustments.

7. References

7.1 *Monitoring Instrumentation for the Measurement of Sulfur Dioxide in Stationary Source Emissions,* Environmental Protection Agency, Research Triangle Park, N.C., February 1973.

7.2 *Instrumentation for the Determination of Nitrogen Oxides Content of Stationary Source Emissions,* Environmental Protection Agency, Research Triangle Park, N.C., Volume 1, APTD–0847, October 1971; Volume 2, APTD–0942, January 1972.

7.3 *Experimental Statistics,* Department of Commerce, Handbook 91, 1963, p. 3–31 paragraphs 3–3.1.4.

7.4 *Performance Specifications for Stationary-Source Monitoring Systems for Gases and Visible Emissions,* Environmental Protection Agency, Research Triangle Park, N.C., EPA–650/2–74–013, January 1974.

FIGURE 12–1.—*Analysis of calibration gas mixtures*

Reference Method Used_____

Date _____.

Mid-Range Calibration Gas Mixture:

Sample 1 _____ ppm
Sample 2 _____ ppm
Sample 3 _____ ppm
Average _____ ppm

High-Range (span) Calibration Gas Mixture:

Sample 1 _____ ppm
Sample 2 _____ ppm
Sample 3 _____ ppm
Average _____ ppm

FIGURE 12–2.—*Calibration error determination*

Calibration gas mixture data (from fig. 12–1)

Mid (50 percent) ____ parts per million High (90 percent) ____ parts per million

[In parts per million]

Run no.	Calibration gas concentration	Measurement system reading	Difference[1]
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

	Mid	*High*
Mean difference		
Confidence interval (±)		
Calibration error (percent) = $\frac{\text{mean difference}^2 + \text{C.I.}}{\text{average calibration gas concentration}} \times 100$		

[1] Calibration gas concentration—measurement system reading.
[2] Absolute value.

FIGURE 12–3.—*Accuracy determination*

Date and time	Test No.	Reference method samples	Analyzer 1-hour average[1] (parts per million)	Difference[2] (parts per million)
	1			
	2			
	3			
	4			
	5			
	6			
	7			
	8			
	9			

Mean difference=_____ parts per million.
95 percent confidence interval=±_____ parts per million.
Mean reference method value=_____ parts per million.
Accuracy = $\frac{\text{mean difference (absolute value)} + \text{95 percent confidence interval}}{\text{mean reference method value}} \times 100$ = _____ percent.

[1] Explain method used to determine average.
[2] Difference=the 1-hour average minus the reference method average.

FIGURE 12-4.—*Zero and calibration drift (2-hour)*

Date	Time		Data set No.	Zero reading	Zero drift (Δzero)	Span reading	(Δspan)	Calibration drift (Δspan—zero)
	Begin	End						
			1					
			2					
			3					
			4					
			5					
			6					
			7					
			8					
			9					
			10					
			11					
			12					
			13					
			14					
			15					

Zero drift = [mean zero drift [1] _____ + C.I. (zero) _____] ÷ [emission standard] × 100 = _____
Calibration drift = [mean span drift [1] _____ + C.I. (span) _____] ÷ [emission standard] × 100 = _____

[1] Absolute value.

FIGURE 12-5.—*Zero and calibration drift (24-hour)*

Date and time	Zero reading	Zero drift (Δzero)	Span reading (after zero adjustment)	Calibration drift (Δspan)

Zero drift=[Mean zero drift [1] _____ + C.I. (zero) _____] ÷ [emission standard] × 100 = _____
Calibration drift = [mean span drift [1] _____ + C.I. (span _____] ÷ [emission standard] × 100 = _____

[1] Absolute value.

FIGURE 12-6.—*Response time*

Date of test _____
Span gas concentration _____ parts per million.
Analyzer span setting _____ ppm.
Upscale:
1 _____: seconds.
2 _____ seconds.
3 _____ seconds.
Average upscale response _____ seconds.
Downscale:
1 _____ seconds.
2 _____ seconds.
3 _____ seconds.
Average downscale response _____ seconds.
System response time=slower time= _____ seconds.
Percent deviation from slowest time=

$$\frac{\text{average upscale minus average downscale} \times 100 \text{ percent}}{\text{slower time}}$$

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